



Table of Contents

5000 - Students

BP	5000	Concepts And Roles
BP	5111	Admission
BP	5111.1	District Residency
BP	5112.1	Exemptions From Attendance
BP	5112.2	Exclusions From Attendance
BP	5112.5	Closed Campus
BP	5113	Absences And Excuses
BP	5113.2	Work Permits
BP	5116	School Attendance Boundaries
BP	5116.1	Intradistrict Open Enrollment
BP	5117	Interdistrict Attendance
BP	5118	Transfers; Withdrawals
BP	5121	Examination/Grading/Rating
BP	5123	Promotion/Acceleration/Retention
BP	5124	Reporting to Parents/Guardians
BP	5125	Student Records
BP	5126	Awards For Achievement
BP	5127	Graduation Ceremonies And Activities
BP	5131	Student Conduct
BP	5131.1	Bus Conduct
BP	5131.2	Bullying
BP	5131.3	Use of Bicycles
BP	5131.5	Vandalism
AR	5131.5	Vandalism
BP	5131.6	Alcohol And Other Drugs
AR	5131.6	Alcohol And Other Drugs
BP	5131.62	Tobacco
BP	5131.63	Anabolic Steroids
BP	5131.7	Weapons And Dangerous Instruments
BP	5132	Dress And Grooming

BP	5136	Gang Symbols
BP	5140	Welfare
BP	5141	Health Care And Emergencies
BP	5141.1	Accidents
BP	5141.21	Administering Medication And Monitoring Health Conditions
BP	5141.22	Communicable Diseases
BP	5141.23	Communicable Disease Prevention
BP	5141.24	Specialized Health Care Services
BP	5141.3	Health Examinations
BP	5141.31	Immunizations
BP	5141.32	Kindergarten Screening
BP	5141.33	Head Lice
BP	5141.4	Child Abuse Prevention And Reporting
BP	5141.51	At-Risk Youths
BP	5141.52	Suicide Prevention
BP	5142	Safety
BP	5142.2	Crossing Guards
BP	5143	Insurance
BP	5144	Discipline
BP	5144.1	Suspension And Expulsion
BP	5144.2	Suspension and Expulsion: Special Education Students
BP	5145.1	Privacy
BP	5145.11	Questioning And Apprehension
BP	5145.12	Search And Seizure
BP	5145.2	Freedom Of Speech/Expression: Publications Code
BP	5145.3	Nondiscrimination/Harassment
BP	5145.6	Notifications Required by Law
BP	5145.7	Sexual Harassment
BP	5145.8	Refusal to Harm or Destroy Animals
BP	5148	Child Care and Development

Students

CONCEPTS AND ROLES

The focus of the school system is on the student. The Governing Board, district and school administration and teachers shall provide for the physical and intellectual welfare of the students in their charge in accordance with Board policies and the administrative regulations. The district shall work closely with parents/guardians and the community in order to achieve a harmony of interests.

Students must be recognized and understood as individuals, each with his/her own unique abilities, social and economic background, ambitions and educational needs. The programs and services of the district must be designed and executed with this concept well in mind if the fullest development of each is to be achieved.

Role of Governing Board

The Board:

1. Establishes policies to provide the best attainable program of education for the district's students.
2. Authorizes the establishment of special classes, programs, or other facilities for students who are in need of special education in keeping with all legal provisions.
3. Provides for the physical and mental well-being of students.
4. Determines policies regarding student behavior and attendance within the limits of the law.

Role of Superintendent

The Superintendent:

1. Administers all schools and classes established by the Board.
2. Directs the instruction, guidance and discipline of all students.
3. Provides leadership and guidance to establish the pattern of education to be offered to students.
4. Determines the boundaries of school attendance within the district.
5. Makes assignments of students to the different buildings or grades as may improve their education, reduce the expense of maintaining schools, or relieve overcrowded conditions.

Students

CONCEPTS AND ROLES (continued)

6. Has general charge of the enforcement of the compulsory attendance law and the issuance of work permits.
7. Has immediate authority for the closing of schools in case of emergencies involving the health and safety of students.

Legal Reference:
EDUCATION CODE
200-261 Prohibition of discrimination on the basis of sex
TITLE IX of the Education Amendments of 1972

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

ADMISSION

The Governing Board believes that all children should have the opportunity to receive educational services. All children residing within the district shall have access to district schools. Immigrant children shall not be denied admission on the basis of citizenship or legal resident status. Children of the homeless shall be admitted with or without a permanent address, preferably to a school which offers a food program. Staff shall encourage parents/guardians to enroll all school- aged children in school.

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

(cf. 5111.1 - District Residency)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.3 - Health Examinations)

No child shall be unconditionally admitted to any district school without presentation of a fully documented immunization record as required by law, unless otherwise exempted. (Health and Safety Code 120335)

(cf. 5141.31 - Immunizations)

The Superintendent or designee may admit children five years of age, into a newly started kindergarten class during the school year with written parent/guardian approval.

When required by law, the Board shall conduct a hearing in accordance with law before admitting students who have been expelled from other districts.

(cf. 5117 - Interdistrict Attendance)

Legal Reference:

EDUCATION CODE

- 46600 Agreements for admission of pupils desiring interdistrict attendance
- 48000 Minimum age of admission (kindergarten)
- 48002 Evidence of minimum age required to enter kindergarten or first grade
- 48010 Minimum age of admission (first grade)
- 48011 Admission from kindergarten or other school; minimum age
- 48200 Children between ages of 6 and 16 years (compulsory full-time education)
- 48211 Habits and disease
- 48221 Physical or mental condition
- 48915.1 Expulsions: enrollment in another school district

Students

ADMISSION (continued)

49408 Information of use in emergencies

49076 Access to records by persons without written consent or under judicial order

HEALTH AND SAFETY CODE

120325-120380 Education and child care facility immunization requirements

121475-121520 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 5

200 Promotion from kindergarten to first grade

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 20

11431-11435 McKinney Homeless Assistance Act

Students

DISTRICT RESIDENCY

The Governing Board shall admit only those students who provide proof of district residency. Such proof shall be required prior to enrollment.

A student residing within the district may establish residency by documenting that he/she lives with a parent/guardian within the district, that he/she is an emancipated minor living in the district, or that he/she is in the court-appointed care of a licensed foster home, family home, or children's institution within the district. Students shall also qualify as district residents if placed by the parent/guardian into a home located within the district, provided the home is properly licensed or is the home of a relative as defined by the California Code of Regulations, Title 22. (Education Code 48200-48204)

A student not residing within the district shall be deemed a district resident if an interdistrict attendance agreement is in effect or if the student is confined to a district area hospital or residential care facility for treatment of a temporary disability. (Education Code 48206.3-48208)

(cf. 5117 - Interdistrict Attendance Agreements)

(cf. 6183 - Home/Hospital Instruction)

District residency may also be granted to an elementary grade student not residing in the district if the student's parent/ guardian works within the district boundaries. Proof of such employment shall be required prior to enrollment and may be required subsequently at regular intervals determined by the Superintendent or designee.

Before admission is granted, the Board shall review each proposed enrollment and determine whether it would result in additional costs to the district in excess of state funds. If the Board determines that excess costs would be incurred by the district, the student may be denied admission. Any proposed enrollment which would adversely affect the existing desegregation plan of either the current or proposed district may also be grounds for denial of admission.

If the district grants more than one percent of the ADA or 75 students, whichever is greater, admission to other districts on the basis of parent/guardian place of employment, the Board may deny any further transfers out of the district on this basis. (Education Code 48204)

Unless approved by the student's current district of attendance, no student shall be admitted into the district on the basis of a parent/guardian place of employment in excess of the limits imposed by law for such transfers.

The Superintendent or designee shall notify the district of residence of all children requesting admittance into the district on the basis of parent/guardian place of employment.

Students

DISTRICT RESIDENCY (continued)

The student's parent/guardian shall be notified in writing of the Board's decision to deny admission. The notice shall include specific reasons for the denial.

The Superintendent or designee shall annually report to the Superintendent of Public Instruction the number of requests for transfer on the basis of parent/guardian place of employment as well as the number of students transferred into and out of the district.

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools

48200-48204 Persons included (compulsory education law)

48206.3-48208 Students with temporary disability

52317 Admission of persons including nonresidents to attendance area

CODE OF REGULATIONS, TITLE 22

87001 Definitions

WELFARE AND INSTITUTION CODE

17.1 Residence of minor

67 Opinions of the California Attorney General, p. 452, footnote 2

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

EXEMPTIONS FROM ATTENDANCE

The Governing Board may grant exemptions from compulsory attendance to students as allowed by law and in the best interest of the student. Parents/guardians of students granted exemptions shall not incur penalties for violations of the compulsory attendance laws.

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

(cf. 1621 - Home-Based Schooling)

(cf. 5141.22 - Infectious Diseases)

(cf. 5144 - Discipline)

(cf. 6158 - Independent Study)

(cf. 6183 - Home/Hospital Instruction)

Legal Reference:

EDUCATION CODE

46113 Minimum schoolday for grades four through eight

48200-48204 Persons included (Compulsory Education Law)

48210-48212 Persons excluded (Compulsory Education Law)

48220-48232 Pupils exempt (Compulsory Education Law)

48410 Persons exempted from continuation classes

LABOR CODE

1394 Employment of minors

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

EXCLUSIONS FROM ATTENDANCE

The Governing Board recognizes that there may be cases where the exclusion of certain students is necessary because their presence in school presents a clear and present danger to the life, safety or health of students or school personnel.

The Board shall, at least annually, review its decisions to exclude students. The Superintendent or designee shall report to the Board at least annually on the status of each excluded student. (Education Code 48214)

Legal Reference:

EDUCATION CODE

48210-48214 Persons excluded

48221 Physical or mental condition

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

49451 Parent's refusal to consent

HEALTH AND SAFETY CODE

3118 Exclusion of persons from school

3380-3390 Immunization against communicable diseases

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

CLOSED CAMPUS

Once students arrive at school, they must remain on campus until the end of the school day unless they have brought written authorization from their parents/guardians and received permission from school authorities to leave for a specific purpose. Students who leave campus without such authorization shall be classified as truant and subject to disciplinary action.

(cf. 5113 - Absences and Excuses)

Legal Reference

EDUCATION CODE

44808.5 Permission for pupils to leave school grounds; notice

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

ABSENCES AND EXCUSES

The Governing Board believes that regular attendance plays a key role in the success a student achieves in school. The Board recognizes its responsibility under the law to ensure that students attend school on a regular basis. Parents/guardians are responsible for sending their children to school. Exceptions permitted by law include exemption from attendance or exclusion from school.

(cf. 5112.1 - Exemptions)

(cf. 5112.2 - Exclusions)

The Board shall abide by all state attendance laws and may use any legal means to correct the problems of excessive absence or truancy.

Absence from school shall be allowed only for health reasons, family emergencies and justifiable personal reasons, as permitted by law and Board policy and specified in administration regulations. (Education Code 46010, 48216, 48205)

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

1. Written note from parent/guardian or parent-representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent-representative. Subsequent written recording of the conversation will include the following:
 - a. Name of student.
 - b. Name of parent/guardian or parent-representative.
 - c. Name of verifying employee.
 - d. Date or dates of absence.
 - e. Reason for absence.
3. Visit to the student's home by the verifying employee.
4. Any other reasonable method which establishes the fact that the student was actually absent for the reasons stated. A written recording shall be made, including information outlined above.

Students**ABSENCES AND EXCUSES** (continued)

A student may be excused from physical education for five days due to illness or injury upon the parent/guardian's written request. Absences in excess of five days require the written request of physician or surgeon.

Unexcused Absences

When a student has accumulated more than 15 days' unexcused absence from class per grading period or 45 days per year, the teacher may assign a failing grade for the class.

The parent/guardian shall be notified of each unexcused absence and of district policy and regulations regarding excessive unexcused absences. The parent/guardian shall be given a reasonable opportunity to explain an absence. If the absence is not verified as an excusable absence, it shall be recorded as unexcused, together with the reason for the absence as given by the parent/guardian and the date when the explanation was given. The name of the person receiving any oral explanation of absence shall also be recorded.

Students with medical problems which lead to frequent absences shall be required to provide a medical excuse from a physician verifying the need for excessive absences.

If a student receives a failing grade because of unexcused absences exceeding the above maximum, school records shall specify that the grade was given because of excessive unexcused absences.

(cf. 5121 - Examination/Grading/Rating)

Absences for Religious Purposes

The Board shall allow students to be absent for religious instruction or participation in religious exercises away from school property. Such absences shall be considered excused subject to administrative regulations.

Truancy

The Board shall participate in the Orange County School Attendance Review Board as allowed by law in order to meet the special needs of students with school attendance or school behavior problems. (Education Code 48320 et seq.)

The Superintendent or designee shall report to the County Superintendent of Schools the number of referrals and types of referrals made to the school attendance review board and the number of requests for petitions made to the juvenile court. (Education Code 48273)

Students

ABSENCES AND EXCUSES (continued)

(cf. 6154 - Homework/Makeup Work)
(cf. 6176 - Weekend/Saturday Classes)

Legal Reference:

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)
37201 School month
37223 Weekend classes
41601 Reports of average daily attendance
46000 Records (attendance)
46010-46015 Absences
46100-46118 Attendance in kindergarten and elementary schools
46140-46147 Attendance in junior high and high schools
48200 Children between ages of 6 and 18 years (compulsory full-time attendance)
48205 Absence for justifiable personal reasons
48216 Immunizations
48240-48246 Supervisors of attendance
48260-48273 Truants
48292 Filing complaint against parent
48320-48324 School Attendance Review Boards
48340-48342.5 Improvement of pupil attendance
49067(b) Unexcused absences as cause of failing grade
51241 Temporary or permanent exemption from physical education

CIVIL CODE

25.9 Mental health treatment or counseling services; consent to outpatient treatment by minor over 12; liability of parents or legal guardian
34.5 Minors; contracts not disaffirmable; pregnancy care
34.7 Minors; diagnosis or treatment of communicable or sexually transmitted diseases; consent not disaffirmable
34.8 Minors; medical treatment for rape; consent not disaffirmable
34.9 Minors; sexually assaulted; consent to diagnosis; treatment and collection of evidence; not disaffirmable; contact with parent, parents or guardian
34.10 Minors; 12 years of age or older; consent to medical care and counseling; not disaffirmable; liability of parent, parents or guardian for care

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence
420 et seq. Record of verification of absence due to illness and other causes

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students**WORK PERMITS**

The Governing Board recognizes that part-time employment can provide students with income as well as job experience that can help them develop appropriate workplace skills and attitudes. Upon obtaining an offer of employment, district students who are minors shall obtain work permits from the Superintendent or designee in accordance with law, regardless of whether the employment will occur when school is in session and/or not in session.

In determining whether to grant or continue a work permit, the Superintendent or designee shall consider whether employment is likely to significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain a 2.0 grade point average and satisfactory school attendance. On a case-by-case basis, the Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation.

Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes. (Education Code 48230)

Work permits shall be limited to part-time employment as defined by law, except when the Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Any student authorized to work full time when school is in session shall be enrolled in part-time continuation classes. A student age 14 or 15 who receives a permit to work full time shall also be enrolled in a work experience education program. (Education Code 49130, 49131, 49135)

Legal Reference:

EDUCATION CODE

48230 Exemption from full-time school attendance for students with work permits

49180-49183 Violations

51760-51769.5 Work experience education

52300-52499.66 Career technical education

48231 Exemption from compulsory attendance for students entering attendance area near end of term

49100-49101 Compulsory attendance

49110-49119 Permits to work

49130-49135 Permits to work full time

Students

WORK PERMITS (continued)

49140-49141 Exceptions

49150 Report

49160-49165 Employment of minors; duties of employers

49180-49183 Violations

LABOR CODE

1285-1312 Employment of minors

1391-1399 Working hours for minors

CODE OF REGULATIONS, TITLE 5

16023-16027 District records, retention and destruction

CODE OF REGULATIONS, TITLE 8

11701-11707 Prohibited and dangerous occupations for minors

11750-11763 Work permits and conditions, minor employed in entertainment industry

CODE OF FEDERAL REGULATIONS, TITLE 29

570.1-570.129 Child labor regulations

ATTORNEY GENERAL OPINIONS

18 Ops.Cal.Atty.Gen. 114 (1951)

Policy

adopted: March 7, 1991

revised: November 3, 1994

revised: April 18, 2013

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

SCHOOL ATTENDANCE BOUNDARIES

The Governing Board shall establish school attendance boundaries in order maximize the efficient use of district facilities and effective administration of district schools. The Superintendent or designee shall periodically review school attendance boundaries and, as necessary, make recommendations to the Board for boundary adjustments.

When reviewing school attendance boundaries, the Superintendent or designee shall consider the following factors:

1. School enrollment data, including declining enrollment patterns.
2. Facility capacity and design, including potential commercial and residential developments.
3. School feeder patterns, including maintaining, to the extent practicable, continuity of student attendance.
4. Federal, state or court mandates.
5. Community input.
6. Student safety.
7. Transportation capacity.
8. Community and neighborhood identify.
9. Geographic features of the district, including traffic patterns.
10. Educational programs, such as magnet schools and charter schools.
11. Other factors.

School attendance boundaries are established for each school in the district. Parents/ guardians are encouraged to have their children attend the designated “home school” based upon the location of their residence within the school attendance boundaries.

In order to alleviate overcrowding, the Superintendent or designee may place some students in a school outside of their attendance area. Parents/guardians of students who are attending schools outside of their attendance area shall be notified of the school their child will be attending as soon as possible. If available transportation shall be provided for such students

Students

SCHOOL ATTENDANCE BOUNDARIES (continued)

Legal References:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35160.5 District policies; rules and regulations

35291 Rules

35350 Transportation of students

35351 Assignment of students to particular schools

CALIFORNIA CONSTITUTION

Article I, Section 31 Discrimination based on race, sex, color, ethnicity

COURT DECISIONS

Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275

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

Jackson v. Pasadena City School District (1963) 59 Cal.2d 876

Policy

Adopted: July 5, 1990

Revised: November 17, 1994

Revised: March 8, 2012

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students**INTRADISTRICT OPEN ENROLLMENT****Public Schools of Choice**

The Westminster School District Board of Trustees endorses the neighborhood public school concept. However, the Board recognizes that parents may wish to choose a school of attendance other than the assigned school.

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also balancing enrollment in order to maximize the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

The parents/guardians of any students who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district.

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. Once a student has been accepted on an approved open enrollment application that student will remain part of that site's enrollment pattern through eighth grade.

Westminster School District students residing in any Board-approved home school attendance area shall first be provided the option of attending their neighborhood school. After all children within each school's attendance area have been accommodated, remaining placement requests will be honored according to the following list which represents priority criteria for student placement until a given school has reached its defined staffing/enrollment capacity.

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List.
2. Any student enrolled in a district school designed by the California Department of Education as "persistently dangerous."
3. Any student who is a victim of a violent crime while on school grounds.

Students

INTRADISTRICT OPEN ENROLLMENT (continued)

4. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances, include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers.

To grant priority under these circumstances, the Superintendent or designee must have received either:

- a. A written statement from a representative of an appropriate state or local agency, such as a law enforcement official, social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, or marriage and family therapist.
 - b. A court order, including a temporary restraining order and injunction.
5. Siblings of any student currently in attendance on an intradistrict permit.
 6. Any student whose parent/guardian is assigned to that school as his/her primary place of employment.
 7. Westminster School District student not otherwise eligible for placement under provisions 1-6 but who meet stated criteria for placement within a specialized school program.

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted from February through mid-April of the school year preceding the school year for which the transfer is requested. The specific deadlines for each year shall be posted on the District website. Intradistrict permit applications for Kindergarten shall be accepted beginning on the first day of Kindergarten registration.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space.

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity.

INTRADISTRICT OPEN ENROLLMENT (continued)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students.

Transportation

Except as required for transfers out of Title 1 Program Improvement (PI) Schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

Transfers Back to the Home School

The Superintendent or designee may transfer a student approved for an intradistrict transfer under priorities 1, 2 or 8, back to his/her school of residence for any of the following reasons:

- a. Unsatisfactory attendance.
- b. Continual tardiness.
- c. Failure of the parent to make adequate transportation arrangements.
- d. Unsatisfactory behavior or citizenship.
- e. Ceasing to participate within a specialized school program.

The Superintendent or designee may approve a student transfer back to the home school of residence at any time during the year, upon request by the parent, providing that exceptional circumstances exist and space is available.

The Board shall annually review this policy.

Legal Reference: (See next page)

Students

INTRADISTRICT OPEN ENROLLMENT (continued)

Legal References:

EDUCATION CODE

- 200 Prohibition against discrimination
- 35160.5 District policies; rules and regulations
- 35291 Rules
- 35351 Assignment of students to particular schools
- 48200 Compulsory attendance
- 48204 Residency requirements for school attendance
- 48350-48361 Open Enrollment Act
- 48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

- 11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

- 6311 State Plans
- 7912 Transfers from persistently dangerous schools

COURT DECISIONS

- Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

- 85 Ops.Cal.Atty.Gen. 95 (2002)

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

- Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

- Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

Policy

Adopted: March 8, 2012

Revised: November 10, 2016

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students**INTERDISTRICT ATTENDANCE**

The Governing Board expects students to attend school in their district of residence. The Governing Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons. In order to attend school outside the district of residence, written approval must be obtained from both the district of residence and the desired district of attendance.

Upon request by students' parents/guardians, the Superintendent or designee may approve interdistrict attendance permits with other districts on a case-by-case basis to meet individual student needs.

The Superintendent or designee shall ensure that interdistrict permits specify the terms and conditions agreed to by both districts for the granting, denial, or revocation of the permit as well as the standards for reapplication.

The Superintendent or designee may deny the granting of an interdistrict attendance permit because of overcrowding within district schools or limited district resources.

Transportation

The district shall not provide transportation outside any school attendance area.

Limits on Student Transfers out of the District to a School District of Choice

The Superintendent or designee may limit the number of student transfers out of the district to a school district of choice based on the percentages of average daily attendance specified in Education Code 48307.

In addition, transfers out of the district may be limited during a fiscal year when the County Superintendent of Schools has given the district a negative budget certification or when the County Superintendent has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.

Legal Reference: (See next page)

Students

INTERDISTRICT ATTENDANCE (continued)

Legal References:

EDUCATION CODE

46600-46611 Interdistrict attendance agreement

48204 Residency requirements for school attendance

48307 Student attendance alternatives

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another school district

52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

84 Ops.Cal.Atty.Gen. 198 (201)

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Policy

Adopted: July 5, 1990

Revised: NOTE: April 21, 1994 (Board took action to retain policy in lieu of Quackenbush Choice Bill (AB 19)

Revised: March 8, 2012

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

TRANSFERS; WITHDRAWALS

Students who apply for initial admission to district schools will be placed at the grade they would have reached elsewhere pending observation and evaluation. Evaluation and observation to determine final grade placement of each newly enrolled student shall be completed within 30 days of enrollment. The Superintendent or designee shall determine the student's final grade placement.

(cf. 5111 - Admission)

(cf. 5125 - Student Records; Confidentiality)

(cf. 5131.5 - Vandalism)

(cf. 5141.31 - Immunizations)

(cf. 6161.2 - Overdue, Damaged or Lost Instructional Materials)

Legal Reference:

EDUCATION CODE

48011 Admission from kindergarten or other school; minimum age

48645.5 Course credit re juvenile court schools

48904 Withholding grades, diplomas or transcripts

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

EXAMINATION/GRADING/RATING

A written report shall be sent to or a conference shall be held with the student's parent/guardian in the event the student is in danger of failing the course. (Education Code 49067)

(cf. 5124 - Reporting to Parents/Guardians)

A student's grade shall not be changed by the Governing Board or administration without the input of the teacher who assigned the grade. (Education Code 49066)

Failing grades shall be assigned for excessive unexcused absences in accordance with Board policy. Such grades shall be designated accordingly in the student's records. (Education Code 49067)

(cf. 5113 - Absences and Excuses)

Legal Reference:

EDUCATION CODE

44662 Evaluation and assessment guidelines

48070 Promotion and retention

48205 Excused absences

48431.6 Required systematic review

49066 Grades; finalization; physical education class

49067 Regulations regarding pupil's achievement

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students**PROMOTION/ACCELERATION/RETENTION**

The Governing Board expects students to progress through each grade within one school year. To accomplish this, instruction should accommodate the varying needs and growth patterns of individual students and include strategies for addressing academic deficiencies when needed.

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

(cf. 6011 - Academic Standards)

(cf. 6146.5 - Graduation Requirements/Standards of Proficiency)

Acceleration

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

Retention

As early as possible in the school year and in students' school careers, at the recommendation of the classroom teacher, the Superintendent or designee shall identify students who should be retained and who are at risk of being retained in accordance with law, Board policy, administrative regulation and the following criteria:

Students shall be identified on the bases of grades. The following other indicators of academic achievement shall also be used:

- * WSD reading assessments
- * WSD benchmark assessments in writing and mathematics
- * The State's Standardized Testing and Reporting Program

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5149 - At-Risk Students)

(cf. 6162.5 - Student Assessment)

When a student is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall provide opportunities for remedial instruction to assist the student in overcoming his/her academic deficiencies. Such opportunities may include but are not limited to tutorial programs, after-school programs, summer school programs and/or the establishment of a student study team.

Students

PROMOTION/ACCELERATION/RETENTION (continued)

(cf. 6164.5 - Student Study Teams)

(cf. 6177 - Summer School)

Legal Reference:

EDUCATION CODE

37252-37253 Summer school

46300 Method of computing ADA

48011 Admission on completing kindergarten; grade placement of pupils coming from other districts

48070-48070.5 Promotion and retention

48431.6 Required systematic review of students and grading

51215 Proficiency standards in basic skills

51216 Assessment of pupil proficiency

51217 Withholding diploma (high school)

51218 Separate proficiency standards

56345 Elements of individualized education plan

60641-60647 Standardized Testing and Reporting Program

60648 Minimum performance levels

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

Management Resources:

CDE PROGRAM ADVISORIES

06121.89-06123.89 Educating Young Children: Next Steps in Implementing the School Readiness Task Force Report

0916.91 Retention of Students in Elementary and Middle Grades, CIL 91/92-02

CDE MANAGEMENT ADVISORIES

0900.90 Changes in Law concerning Eligibility for Admission to Kindergarten 90-10

LEGISLATIVE COUNSEL OPINION

1001.98 Promotion and Retention #21610

CSBA ADVISORIES

1112.98 Student Promotion/Retention Advisory

WEB SITES

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

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

Policy

adopted: July 5, 1990

revised: July 15, 1999

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students**REPORTING TO PARENTS/GUARDIANS**

The Governing Board believes that good communication between parent/guardian and the teacher is important in the educational process. Reporting contacts between parent/guardian and teacher should be varied and frequent, and all appropriate forms of communication should be used, including parent-teacher conferences, report cards, telephone, and school visits by parents/guardians.

Student progress reports shall reflect the educational achievement of the student in terms of classwork and the attainment of proficiency levels. The student's growth in the cognitive and affective domains shall be addressed. The reporting system should emphasize a positive approach to a child's growth and development. The report shall also indicate educational growth in relation to the student's ability, attitude, interests, and conduct or citizenship.

(cf. 5113 - Absences and Excuses)

(cf. 5121 - Examination/Grading/Rating)

(cf. 5145.6 - Notifications Required by Law)

(cf. 6146.5 - Graduation Requirements/Standards of Proficiency)

Legal Reference:**EDUCATION CODE**

48260.5 Notice of truancy

49066 Grades: finalization; physical education class

49067 Regulations regarding pupil's achievement

49069 Absolute right to access (parents' right of access to student records)

Policy

adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students**STUDENT RECORDS**

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. Information about a student shall be used judiciously, and in ways that contribute to the student's welfare. The Superintendent or designee shall ensure that the district's administrative regulation and school site procedures for maintaining the confidentiality of student records are consistent with state and federal law.

The Superintendent or designee shall establish administrative regulations governing the identification, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records and shall protect students and their family from the invasion of privacy.

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the district level. At each school, the principal or a certificated employee shall be designated as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records.

Student Records from Social Media

The Superintendent or designee may gather and maintain information from social media of any district student, provided that the district first notifies students and parent/guardians about the proposed program, offers and opportunity for public comment at a regularly scheduled Board meeting and gathers only information that directly pertains to school safety or student safety.

Contract for Digital Storage, Management, and Retrieval of Student Records

The Superintendent or designee may enter into a contract with a third party for digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

Legal Reference:**EDUCATION CODE**

17604	Contracts
48201	Student records for transfer students who have been suspended/expelled
48853.5	Foster youth; placement, immunizations
48902	Notification of law enforcement of specified violations
48904-48904.3	Withholding grades, diplomas, or transcripts
48918	Rules governing expulsion procedures
48980	Parental notifications

Students**STUDENT RECORDS (continued)**

48985	Notices in parent/guardian's primary language
49060-49070	Student records
49091.14	Parental review of curriculum
51747	Independent study
56041.5	Rights of students with disabilities
56050	Surrogate parents
56055	Foster parents
69432.9	Cal Grant program; notification of grade point average
BUSINESS AND PROFESSIONS CODE	
22580-22582	Digital privacy
22584-22585	Student Online Personal Information Protection Act
CODE OF CIVIL PROCEDURE	
1985.3	Subpoena duces tecum
FAMILY CODE	
3025	Access to records by noncustodial parents
6552	Caregiver's authorization affidavit
GOVERNMENT CODE	
6252-6260	Inspection of public records
HEALTH AND SAFETY CODE	
<u>120440</u>	Immunizations; disclosure of information
PENAL CODE	
<u>245</u>	Assault with deadly weapon
WELFARE AND INSTITUTIONS CODE	
<u>681</u>	Truancy petitions
<u>701</u>	Juvenile court law
<u>16010</u>	Health and education records of a minor
CODE OF REGULATIONS, TITLE 5	
430-438	Individual student records
<u>16020-16027</u>	Destruction of records of school districts
UNITED STATES CODE, TITLE 20	
<u>1232g</u>	Family Educational Rights and Privacy Act
<u>1232h</u>	Protection of Pupil Rights Amendment
UNITED STATES CODE, TITLE 26	
152	Definition of dependent child
UNITED STATES CODE, TITLE 42	
<u>11434a</u>	McKinney-Vento Homeless Assistance Act; definitions
CODE OF FEDERAL REGULATIONS, TITLE 16	
Part 312	Children's Online Privacy Protection Rule
CODE OF FEDERAL REGULATIONS, ARTICLE 34	
<u>99.1-99.67</u>	Family Educational Rights and Privacy
300.501	Opportunity to examine records for parents of student with disability

Students

STUDENT RECORDS (continued)

Management Resources:

FEDERAL REGISTER

Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records, 2008

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, October 2007

WEB SITES

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

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Family Policy Compliance, <http://www.ed.gov/policy/gen/guid/fpco>

Policy

Adopted: July 5, 1990

Revised: December 14, 2017

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

AWARDS FOR ACHIEVEMENT

The Governing Board encourages excellence as a goal for all students and wishes to publicly recognize students for unique or exemplary achievements in academic, extracurricular or community service activities.

Student awards may include verbal recognition, a letter, certificate or Board resolution, a public ceremony, or a sum of money.

Individual awards in excess of \$200 must be expressly approved by the Board. (Education Code 44015)

Nonschool Awards

The Superintendent or designee may approve or reject proposed trophies, prizes, or other awards from nonschool donors. The purpose of any such proposed award must be consistent with school goals, and criteria for making the award must be either under professional staff control or acceptable to the staff. Such awards shall be rejected when offered primarily to achieve personal or corporate gain and publicity.

(cf. 1321 - Solicitation of Funds from and by Students)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards commencing January 1, 1976

35310 - 35319 Scholarship and loan funds

44015 Awards to employees and pupils

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

GRADUATION CEREMONIES AND ACTIVITIES

Eighth grade graduation shall be contingent upon the completion of the prescribed eighth grade course of study, and shall be recognized by the granting of a diploma or certificate upon recommendation by the Superintendent or designee.

(cf. 6146.5 - Elementary School Graduation Requirements/ Standards of Proficiency)

Graduation Apparel

The same letter is to go home from each school graduating eighth graders stating that the graduation dress standard is dressy, such as party dresses; coat and tie; or nice school clothes. Tuxedos and formal gowns are not appropriate attire for Eighth Grade graduation.

Satisfactory Citizenship

The Superintendent or designee may withdraw the privilege of participation in end-of-year activities related to graduation and promotion from any student whose behavior has been unacceptable.

(cf. 5144.1 - Suspension/Expulsion)

Legal Reference:

EDUCATION CODE

38119 Lease of personal property; caps and gowns

51400-51403 Elementary school diploma

51410 Diplomas: no indication of intellectual classification

51411 Residence as condition for graduation; prohibition

Bennett vs. Livermore Unified School District 193 C.A. 3d 1012 (July, 1987)

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students**STUDENT CONDUCT**

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. To maintain such an environment, students, parents/guardians, staff and the Board all must understand and fulfill their responsibilities related to student conduct.

Student Responsibilities

The Board believes that it is important for students to understand that they have a choice to make regarding their actions and that appropriate conduct benefits both themselves and others. Students are encouraged to freely express their individuality as long as this expression does not infringe upon the rights of others or interfere with the instructional program. Behavior is considered appropriate when students are diligent in study, neat and clean, careful with school property, staff and volunteers. Students are expected to be punctual and regular in attendance and to remain on school premises in accordance with school rules. They are further expected to refrain from profane, vulgar or abusive language.

Students shall receive regular instruction in District and school rules and regulations related to conduct. Students who violate these rules and regulations may be subject to discipline, suspension, exclusion, expulsion or transfer to alternative programs.

Parent/Guardian Responsibilities

Parents/guardians are expected to comply with laws governing the conduct and education of their children and to cooperate with school authorities regarding their children's behavior.

California holds parents/guardians liable for any willful student misconduct which results in the death or injury of any student or persons employed by or volunteering for the District. Parents/guardians are also liable for any defacement, injury or loss of property belonging to the District or to a school employee. (Education Code Section 48904)

District Responsibilities

The Board is responsible for prescribing behavioral and disciplinary guidelines for students. The Board shall give certificated staff all reasonable support with respect to student conduct and discipline.

The Superintendent or designee shall establish procedures necessary to enforce the Board's conduct and discipline policies and shall notify parents/guardians of the availability of these policies and procedures at the beginning of each school year.

Students

STUDENT CONDUCT (continued)

The school principal shall establish and enforce school rules that conform with District procedures and that foster safety and good citizenship. He/she shall ensure that students are informed of these rules when they enroll and at the beginning of each school year.

Teachers shall establish and enforce classroom rules that facilitate safety and effective learning. They shall cooperate with other certificated staff in enforcing general school rules and helping students to understand the benefits of choosing behaviors that show respect for other people and property.

Legal References:

EDUCATION CODE

35181 Governing board policy on responsibilities of students

35291 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion

48908 Duties of pupils

48980-48981 Notification of parent or guardian

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

2000h-2 et seq., Title IX, 1972 Education Act Amendments

Policy

adopted: November 3, 1994

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

BUS CONDUCT

In order to ensure the safety and well-being of students, bus drivers, and others, the Governing Board expects students to exhibit appropriate and orderly conduct at all times when using school transportation, including while preparing to ride, riding, or leaving the bus.

The Superintendent or designee shall establish regulations related to student conduct on buses, bus driver authority, and the suspension of riding privileges. The Governing Board shall make these rules available to parents/guardians, students, and other interested parties. (5CCR 14103)

Students found to be in violation of the district's bus conduct rules shall be subject to discipline in accordance with Board policy and administrative regulation.

The Superintendent or designee may deny a student the privilege of using school transportation upon the student's continued disorderly conduct or his/her persistent refusal to submit to the authority of the driver. (5CCR 14103)

Legal Reference:

EDUCATION CODE

- 35160 Authority of governing boards
- 39800 Transportation
- 39839 Transportation of guide dogs, signal dogs, service dogs
- 44808 Duty to supervise conduct of students
- 48900 Grounds for suspension and expulsion
- 48918 Expulsion procedures
- 49060-49079 Student records
- 49073-49079 Privacy of student records

Students

BUS CONDUCT (continued)

GOVERNMENT CODE

6253-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Policy
adopted: July 5, 1990
revised: November 12, 2015

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

BULLYING

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

Bullying Prevention

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

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

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, cafeterias.

Students

BULLYING

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

Complaints and Investigation

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

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Students

BULLYING

Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

PENAL CODE

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 71

Policy

Adopted: June 21, 2012

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

USE OF BICYCLES

Students may ride bicycles to and from school beginning the second semester of the third grade or after the completion of the bicycle safety program.

The Superintendent or designee shall implement procedures to this policy. He/she may approve waiver requests submitted by parents/ guardians.

Students**VANDALISM**

The Governing Board shall seek redress in the amount of the damage from any individual or the parents/guardians of any minor who commits any act of vandalism.

(cf. 4158/4258 - Employee Protection)

Vandalism includes negligent, willful, or unlawful damaging or taking of any district-owned real or personal property. The parents/guardian having custody or control of a minor who commits an act of vandalism may be held liable for up to \$7,500 for that act. The parents/guardian may also be held liable for rewards of up to \$7,500.

Any student, or the parent/guardian of any minor student, shall be held liable for all property belonging to the district that has been damaged, destroyed, stolen or lent and not returned upon demand. After affording the student his/her due process rights, the district may withhold the grades, diploma, and transcripts of the student responsible for the vandalism or theft until the student or the student's parent/guardian has paid for the damages. Prior to withholding a student's grades, diploma or transcript, the district shall notify the student's parent/guardian in writing of the student's alleged misconduct. (Education Code 48904)

When the minor and parent/guardian are unable to pay for the damages (upon a showing by certification of the parent/guardian that he/she cannot reasonably afford the cost), the district shall provide a program of voluntary work for the minor. Upon completion of the work, the student's grades, diploma and transcripts shall be released.

Any student of the district who commits an act of vandalism shall also be liable to disciplinary action by the district.

(cf. 3514 - Safety)

(cf. 3515 - Security)

(cf. 5125 - Student Records; Confidentiality)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:**EDUCATION CODE**

44810 Willful interference with classroom conduct (minors over 16 years of age or adults not pupils of school)

48900 Grounds for suspension (or expulsion)

48904 Willful misconduct, limit of liability of parent or guardian

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

Students

VANDALISM (continued)

CODE OF REGULATIONS, TITLE 5

305 Pupil responsible for care of property

CIVIL CODE

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

GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage;
liability for reward

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

ALCOHOL AND OTHER DRUGS

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

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

(cf. 5131.61 - Drug Testing Program)
(cf. 5131.62 - Tobacco)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 0450 – Comprehensive Safety Plan)
(cf. 4020 – Drug and Alcohol-Free Workplace)
(cf. 6020 – Parent Involvement)

The Superintendent or designee shall clearly communicate to students, staff and parents/guardians all Board policies, regulations, procedures and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community. Special efforts shall be made to ensure that these materials are understood by parents/guardians and students of limited literacy or limited English proficiency.

(cf. 4020 – Drug and Alcohol-Free Workplace)
(cf. 6020 – Parent Involvement)
(cf. 1100 – Communication with the Public)
(cf. 5131.61 – Drug Testing)
(cf. 5144.1 – Suspension and Expulsion/Due Process)

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

Students

ALCOHOL AND OTHER DRUGS (continued)

Recognizing that keeping schools free of alcohol and other drugs is a concern common to the district and community, the Board supports cooperation among schools, parents/guardians, law enforcement and other appropriate community organizations involved in preventing alcohol and other drug abuse.

To obtain the widest possible input and support for district policies and programs, the Board shall support a districtwide school-community advisory committee who make recommendations related to the prevention of alcohol and other drug abuse.

In order to maintain responsiveness to the current situation, the approved substance abuse policy shall undergo annual review by the Advisory Council.

(cf. 1220 - Citizen Advisory Committees)

The Board also encourages the use of site-level advisory groups in this area. (Health and Safety Code 11998.1)

The Board encourages the Superintendent, or his/her designee, to create, at each school, a student organization exclusively dedicated to creating and maintaining a safe, drug and gang free school environment.

Instruction

The district shall provide preventative instruction which helps students to avoid the use of alcohol or other drugs and teaches students how to influence their peers to avoid and/or discontinue the use of alcohol or other drugs. Instruction shall be designed to answer students' questions related to alcohol and other drugs.

The instruction programs shall be designed to help students obtain and use current and accurate information, develop self-esteem and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with alcohol and other drugs.

The curriculum will be K-8, comprehensive and sequential in nature and suited to meet the needs of students at their respective grade levels. All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use when such use is illegal.

Students**ALCOHOL AND OTHER DRUGS (continued)**

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

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

All instruction and related materials shall stress the concept of "no use" of alcohol or other drugs and shall not include the concept of "responsible use" when such use is illegal.

(cf. 6142.2 - AIDS Instruction)

(cf. 6143 - Courses of Study)

(cf. 4131 – Staff Development)

Intervention, Referral and Recovering Student Support

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

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

The roles and responsibilities of staff in working with, intervening, and reporting students suspected of alcohol and other drug use shall be clearly defined in the Administrative Regulations.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school events, or in any

Students

ALCOHOL AND OTHER DRUGS (continued)

situation in which the school is responsible for the conduct and well-being of students. Related paraphernalia includes any weapons (as defined in CPC 12020), clothing identified as dressing down (gang related dress) or any of the property related to the use or possession of alcohol or other drugs. Students possessing, selling and/or using alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures which may result in suspension or expulsion.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

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

(cf. 5145.12 - Search and Seizure)

Confiscation of Electronic Signaling Devices

Because electronic signaling devices (beepers, cellular phones, etc.) are sometimes used to facilitate illegal drug transactions, the possession or use of any electronic signaling devices by students is prohibited on school premises, at all school-sponsored activities, and at any time while students are under the supervision and control of district employees. An exception shall be made only when the principal or designee has determined that the electronic device is essential for the student's health. Any electronic device so allowed shall be used only for health purposes. (Education Code 48901.5)

The Superintendent or designee shall confiscate unapproved electronic signaling devices from students. They may be returned to parents/guardians.

(cf. 5144 - Discipline)
(SB1253 (Chapter 253, Statutes of 2002))

Review

The Board shall periodically review and revise policy and regulation

Policy
adopted: March 7, 1991
Revised: May 2006
Revised: July 27, 2006

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

TOBACCO

The Governing Board recognizes that tobacco use presents serious health risks and desires to ensure that, through adoption of consistent policies, district students are made aware of those risks and, to the extent possible, protected from them.

The Superintendent or designee shall establish a coordinated school health system which includes a comprehensive behavioral health education component that teaches students the knowledge, skill, and attitudes they need in order to lead healthy lives and avoid high-risk behaviors, such as tobacco use.

The Superintendent or designee shall provide prevention, intervention, and cessation education, information, activities and/or referrals to district students and shall ensure consistent enforcement of district policies prohibiting student possession and use of tobacco products.

Tobacco use is prohibited” on all district and school campuses. Students shall not possess, smoke or use tobacco, or any product containing tobacco or nicotine, while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. Prohibited products include any product containing tobacco or nicotine, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products anytime. (Education Code 48900,48901)

These prohibitions do not apply to a student’s possession or use of his/her own prescription products. However, students possession or use of prescription products in school shall be subject to the district’s policy for addressing the administration of medications on campus. (Education Code 48900)

Prevention Instruction

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12 pursuant to Education Code 51202. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

Intervention/Cessation Services

Students

TOBACCO, continued

The Superintendent or designee also may provide or refer students to counseling intensive education, and other intervention services to assist in the cessation of tobacco use. Such intervention services shall be provided as an alternative to suspension for tobacco possession.

Program Planning

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community and a determination of high-risk student populations that are most in need of district services.

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation

He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals and/or others with demonstrated expertise in tobacco prevention and cessation.

The Superintendent or designee shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

The Superintendent or designee shall select tobacco-use prevention programs based on the model program designs identified by the California Department of Education (CDE) and may adapt the model to meet district needs. (Health and Safety Code 104420)

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which is known to have received funding from the tobacco industry.

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450. The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

Students

TOBACCO, continued

Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 8 (2005)

Policy

adopted: July 27, 2006

revised: July 31, 2014

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

ANABOLIC STEROIDS

The Governing Board recognizes that the use of anabolic steroids presents a serious health hazard to students. The Superintendent or designee shall make every effort to ensure that students do not begin or continue the use of anabolic steroids.

Legal Reference:

EDUCATION CODE

51262 Use of anabolic steroids; legislative finding and declaration

CIVIL CODE

1812.97 Warning statement; posting; athletic facilities; anabolic steroids

Policy
adopted: March 7, 1991

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

WEAPONS AND DANGEROUS INSTRUMENTS

The Governing Board desires that students at school be free from the fear and danger presented by firearms and other weapons. Therefore, students shall not possess weapons, replicas of weapons or dangerous instruments of any kind in school buildings, on school grounds or buses, or at any school-related or school-sponsored activity away from school unless written permission has been obtained from the Superintendent or designee. (Education Code 48900)

Any school employee may confiscate any weapon or dangerous instrument from any person on school grounds under the power granted to the Governing Board to maintain order and discipline in the schools and to protect the safety of students, staff and the public.

(cf. 3514 - Safety)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:

EDUCATION CODE

35291 Governing board to prescribe rules for the government and discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions

49330 Injurious object

49331 Removal from possession of pupil by designated employee

49332 Notification of parent or guardian; retention of object by school personnel; release

49333 Return of object

49334 Injurious objects: notification to law enforcement

PENAL CODE

626.9 Firearms; bringing or possessing in school or on school grounds; exceptions

626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school or on school grounds; exception

12020-12028.5 Unlawful carrying and possession of concealed weapons

Policy

adopted: March 7, 1991

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

DRESS AND GROOMING

The Governing Board encourages types of conduct, habits of dress and attitudes which promote the general acceptance of students by their associates and which facilitate the learning process.

School personnel will encourage students to wear school clothing in a manner which does not offend the rules of decency or attract undue attention at school and which does promote habits of good grooming.

School dress must not cause health, safety or discipline problems.

Instructions shall be given to all students regarding the proper wearing apparel. These instructions shall be enforced by the school principals and staffs.

Students who wear unacceptable attire will have their parents/guardians notified and may be sent home.

In the final analysis, the principals evaluation shall prevail.

Sun-Protective Clothing

During daylight school activities, articles of sun-protective clothing shall be allowed for outdoor use only. Articles such as hats, visors, etc., shall be school approved and shall reflect the school's colors to protect the campus from unauthorized visitors. In addition, the only logo allowed will be the school mascot; no other logo of any type will be allowed. Sun-protective clothing, such as hats, visors, etc., shall not be worn indoors at any time. (Education Code 35183.5)

Uniforms

The Board adopts a reasonable dress code policy that strongly encourages students at each site to wear a schoolwide uniform. In order to promote school pride and student safety and discourage theft, peer rivalry and/or gang activity, the principal, staff, and parents/guardians at a school shall establish a reasonable dress code permitting students to wear uniforms. Such a dress code shall be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians do not choose to have their children wear a uniform. (Education Code 35813)

Students

DRESS AND GROOMING (continued)

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

Legal Reference:

EDUCATION CODE

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

35294.1 School safety plans

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

COURT DECISIONS

Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993)

827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Policy

adopted: July 5, 1990

revised: January 20, 2000

revised: May 16, 2002

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students**GANG SYMBOLS**

The Governing Board desires to keep district schools and students free from the threats or harmful influence of any groups or gangs which advocate drug use or disruptive behavior. The Board therefore prohibits the presence of any apparel, jewelry, accessory, notebook or manner of grooming which, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in such a group. This policy shall be applied at the principal's discretion as the need for it arises at individual school sites.

(cf. 6145.5 - Organizations/Associations)

Any student wearing or carrying overt gang paraphernalia or making gestures that symbolize gang membership shall be referred to the principal or designee. The student's parent/guardian shall be contacted and the student sent home to change clothes if necessary.

Disciplinary problems shall be handled as individual problems and not labeled as gang problems.

The Superintendent or designee shall provide staff inservice training in gang recognition and communicate to all staff current symbols of gang membership.

In order to refrain from giving gangs publicity, any gang graffiti shall be quietly removed, washed down or painted over as soon as discovered.

The Board encourages each school to provide classroom and after-school programs designed to enhance individual self-esteem, to foster interest in a variety of wholesome activities, and to promote membership in authorized student organizations.

Legal Reference:**EDUCATION CODE**

51264 Educational inservice training; SDE guidelines

51265 Gang violence and drug and alcohol abuse prevention inservice training

PUBLIC LAW 107-110

4001-4304 Safe and Drug-Free Schools and Communities Act

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students**WELFARE**

All students shall comply with the regulations of the schools, pursue the required course of study and submit to the authority of the teachers and administrators of the school. (Education Code 48908)

Students shall be under the supervision of the school authorities from the time they arrive on the school premises until they leave the school premises. When students are provided transportation to and from the school premises by the school district, they shall be under the supervision of school authorities from the time they board the school bus until the time they leave the school bus. Students shall also be under the school's supervision at all school sponsored functions such as athletic contests, class parties and school clubs.

(cf. 5142 - Safety)

The Governing Board shares the concern with parents/guardians for the safety, health and welfare of students while they attend the district schools or participate in school sponsored activities. The Board requires that parents/guardians furnish the schools with current information specified below to be used for notification purposes in cases of emergency:

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

Legal Reference:

EDUCATION CODE

44808 Exemption from responsibility or liability for conduct and safety of pupils off-campus; exceptions

44808.5 Permission for pupils to leave school grounds; notice (high school)

48908 Duties of pupils

49408 Information for use in emergencies

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

Policy

adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students**HEALTH CARE AND EMERGENCIES**

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

Emergency Information

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

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

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

Resuscitation Orders

District employees are expected to respond to emergency situations without discrimination. If any student needs resuscitation, identified staff, to include School Officer Managers and Health Aides, shall make every effort to resuscitate him/her.

The Board prohibits staff members from accepting or following any parental or medical "Do Not Resuscitate" orders.

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

Students

HEALTH CARE AND EMERGENCIES (continued)

Legal Reference:

EDUCATION CODE

49407 Liability for treatment

49408 Information for use in emergencies

Policy

adopted: November 3, 1994

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

ACCIDENTS

Although every reasonable effort is made by the district to prevent accidents to students, it is inevitable that accidents will occur. The Superintendent or designee shall develop regulations and procedures which will make sure that prompt action will be taken to minimize the effects of the injury, to provide first aid and/or medical attention as quickly as possible, to notify parents/guardians of the accident as quickly as possible, and to take whatever other steps are deemed necessary in the interest of the student.

A complete accident report shall be made by the staff member under whose supervision the accident occurs.

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

Any employee or student exposure to blood or body fluids shall be handled according to the district's Blood Borne Pathogen Exposure Control Plan.

School personnel are not to transport injured students in their personal vehicles.

Schools are to log in all students referred to the Health Office.

All head injuries are to be followed up with a phone call or written note to parents/guardians.

Legal Reference:

EDUCATION CODE

32040-32044 First aid equipment

49300-49307 School safety patrols

49408 Emergency information

49409 Athletic events; physicians and surgeons; emergency medical care; immunity

49470 Medical and hospital services for athletic program

49471 Medical and hospital services not provided or available

49472 Medical and hospital services for pupils

49474 Ambulance services

51202 Instruction in personal and public health and safety

Policy

adopted: July 5, 1990

revised: September 22, 1994

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**

The Governing Board recognizes that during the school day, some students may need to take prescribed medication or ordered by an authorized health care provider to be able to fully participate in the educational program. The Superintendent or designee shall develop processes for the administration of medication to these students. For any student with a disability, as defined under the Individuals with Disabilities Educational Act or Section 504 of the Rehabilitation Act of 1973, necessary medication shall be administered in accordance with the student's individualized education program or Section 504 services plan.

If a parent/guardian chooses, he/she may administer the medication to his/her child at school or designate another individual who is not a school employee to do so on hi/her behalf.

In addition, upon written request by the parent/guardian and with the approval of the student's authorized health care provider, a student with a medical condition that requires frequent treatment, monitoring, or testing may be allowed to self-administer, self-monitor, and/or self-test. The student shall observe universal precautions in the handling of blood and other bodily fluids.

Any medication prescribed by an authorized health care provider, including an emergency antiseizure medication for a student with epilepsy, may be administered by the school nurse or other designated school personnel only when the Superintendent or designee has received written statements from both the student's parent/guardian and authorized health care provider. (Education Code 49414.7, 49423.3 5 CCR 600)

School nurses and other designated school personnel shall administer medications in accordance with law, Board policy, and administrative regulation and shall be afforded appropriate liability protection.

Only a school nurse or other school employee with an appropriate medical license may administer an insulin injection to a student. In the event that no such licensed school personnel is available, the district may contract with a licensed nurse from a public or private agency to administer insulin to the student.

When unlicensed personnel are authorized by law to administer a medication, such as emergency antiseizure medication, epinephrine auto-injector, or glucagon, the Superintendent or designee shall ensure that school personnel designated to administer it to students receive appropriate training from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised

Students

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS
(continued)

by and provided with emergency communication access to a school nurse, physician, or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training, ongoing supervision, as well as annual written verification of competency of such other designated school personnel.

In an emergency situation such as a public disaster or epidemic, a trained, unlicensed district employee may administer medication to a student.

Legal Reference:

EDUCATION CODE

48980 Notification at beginning of term

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49414.5 Providing school personnel with voluntary emergency training

49414.7 Emergency medical assistance: administration of epilepsy medication

49422-49427 Employment of medical personnel, especially:

49423 Administration of prescribed medication for pupil

49423.1 Inhaled asthma medication

49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially:

2726 Authority not conferred

2727 Exceptions in general

3501 Definitions

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

Policy

adopted: July 5, 1990

revised: June 21, 2012

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students**COMMUNICABLE DISEASES**

The Governing Board recognizes its dual responsibility to protect the health of students from risks posed by infectious diseases and to uphold the right of students to a free and appropriate education. The District requires all staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and prevent the spread of all infectious disease.

The admission of a student with a disease that is contagious within the school setting shall be determined by the Superintendent or designee in accordance with standard procedures. The District shall exclude students only in accordance with law.

The principal or designee shall have any child suspected of having a communicable disease examined by the school nurse or other designated individual. If the nurse or other designated individual indicates to the principal that the child is thought to have a communicable disease, he/she shall be excluded from school. The child may return to school with clearance from the principal or designee.

The Board recognizes that human immunodeficiency virus (HIV) and hepatitis B virus (HBV) are bloodborne pathogens and not casually transmitted. Children with bloodborne pathogen infections are entitled to attend school and receive a free and appropriate public education. The sole presence of bloodborne pathogens is not sufficient reason to exclude students from attending school.

Because the disease Acquired Immune Deficiency Syndrome (AIDS) has specific laws and restrictions related to testing, admission to the classroom, privacy, etc., special attention must be given to each case separately as provided in administrative regulations.

Children who have head lice shall be treated the same as those with communicable disease.

Parents/guardians are encouraged to inform the Superintendent or designee if their child has HIV/AIDS so that school staff may keep the student's parents/guardians informed of any outbreak of disease at school. The District will work cooperatively with the student's parent/guardian and physician to minimize the child's exposure to other diseases in the school setting.

The Board desires to be supportive of students infected with bloodborne pathogens and to help their families cope with difficulties they may face. The Board believes that schools can play an important role in educating the school community about the nature of bloodborne pathogens and alleviating fears about their transmission.

Students

COMMUNICABLE DISEASES (continued)

Legal Reference:

CALIFORNIA CONSTITUTION

Article 1, Section 1 - Right to Privacy

CIVIL CODE

56-56.37 Confidentiality of Medical Information Act

1798-1798.76 Information Practices Act

EDUCATION CODE

48210-48214 Persons excluded

49073-49075 Privacy of pupil records

49076 Access to records by persons without written consent or under judicial order

49403 Cooperation in control of communicable disease and immunization of students

49405 Smallpox control

49406 Examination for tuberculosis

49408 Information of use in emergencies

49450 Rules to insure proper care and secrecy

49451 Parent's refusal to consent to medical exam

49602 Confidentiality of student information

HEALTH AND SAFETY CODE

199.20 Prohibition against compelling identification of AIDS test subjects

199.21 Unauthorized disclosures

199.24 Disclosure to certain persons without written consent

199.30-199.40 Acquired immune deficiency syndrome research confidentiality act

3118 re exclusion for communicable disease

3380-3390 Immunization against communicable diseases

3400-3409 Tuberculosis tests for pupils

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Right Act

1400, et. seq. Education for All Handicapped Children

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

Doe v. Belleville Public School District (1987) 662 F. Supp. 342

Thomas v. Atascadero Unified School District (1987) 662 F. Supp. 376

Phipps v. Saddleback Valley Unified School District (1988) 204 Cal.App. 3d 1110

Policy

adopted: July 5, 1990

revised: February 16, 1995

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

COMMUNICABLE DISEASE PREVENTION

The Governing Board recognizes its shared responsibility with the home and the community to promote appropriate disease prevention procedures in the handling and the cleaning up of human blood and body fluids.

The Board desires to protect the entire school community without segregation, discrimination or stigma. Accordingly, prevention techniques shall be taught regardless of whether a district student or adult is known to have an identified communicable disease.

(cf. 4119.41 - Infectious Disease (Employee))

(cf. 4119.42 - Infectious Disease Education)

(cf. 6142.2 - AIDS Instruction)

Science Laboratory Instruction

Students involved in science laboratory experiences shall be protected from contamination from body fluids of other persons and from contaminated instruments. Whenever possible, laboratory experiences involving human body fluids will be conducted by way of teacher demonstrations rather than by student participation.

Injuries and Accidents

Whenever exposed to blood or other body fluids through injury or accident, students and staff should follow the latest medical protocol for disinfecting procedures.

(cf. 5141.1 - Accidents)

Legal Reference:

EDUCATION CODE

49403 Cooperation in control of communicable disease and immunization of pupils

CODE OF REGULATIONS, TITLE 17

2500-2508 Communicable disease reporting requirements

Policy

adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

SPECIALIZED HEALTH CARE SERVICES

The Governing Board is aware that some district students require specialized physical health care services during the school day in order to attend school. Such services shall be provided when adequate resources are available and when the Superintendent or designee has determined that the services will fill the student's legitimate needs.

Trained and qualified school personnel shall perform these routine services under the supervision of a school nurse, public health nurse, or licensed physician in accordance with law.

Legal Reference:

EDUCATION CODE

49423.5 Specialized physical health care services

Code of Regulations, Title 5

3051.12 Health and Nursing Services

34 Code of Federal Regulations 300.12(b) (10)

Policy
adopted: March 7, 1991

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students**HEALTH EXAMINATIONS**

The Governing Board recognizes the importance of periodic health examinations conducted according to state health regulations.

To determine the health status of students, facilitate the removal of handicaps to learning, and determine whether special adaptations of the school program may be necessary, the Board shall require that periodic examinations be conducted which include tests for vision, hearing and scoliosis.

All personnel employed to examine students shall exercise proper care of each student being examined and shall ensure that the examination results are kept confidential.

A parent/guardian may annually file a statement with the principal withholding consent to any physical examination of his/her child. The statement may specify that examination is contrary to their religious beliefs. The child shall be exempt, but shall be subject to exclusion due to a suspected contagious or infectious disease. The principal of each school shall notify parents/guardians of the rights of students and parents/guardians relating to health examinations.

The Board may require reports regarding the numbers of students found to have physical problems and the effort made to correct them.

Vision

Students shall have their vision tested by qualified personnel authorized by the district.

Students shall have their vision examined upon first enrollment in elementary school. Further examinations shall take place every three years until the student has completed 8th grade. The results of the vision appraisal shall be entered into the student's health record. All students shall be tested for visual acuity. Color vision shall be tested once and only in male students. External observations of the student's eyes, visual performance and perception shall be done by the school nurse and the classroom teacher.

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

Visual defects, or any other defects, found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The written report shall not include a referral to any private practitioner.

Students

HEALTH EXAMINATIONS (continued)

The student may be referred to a public clinic, or diagnostic and treatment center operated by a public hospital or by the state, county or city department of public health.

Hearing

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

Students shall have their hearing examined upon first enrollment in elementary school. Further examinations shall take place in second, fifth and eighth grade. The results of the hearing appraisal shall be entered into the student's health record. Pure tone audiometers used for screening shall meet or exceed the specification of the Internal Standards Organization. Testing personnel shall maintain continuous surveillance of the instruments and shall have all audiometers serviced and calibrated at least once a year.

The above evaluation of a student's hearing may be waived at the parent/guardians request if the parent/guardian presents a certificate from a medical doctor stating the results of the student's hearing examination.

Hearing defects, or any other defects found as a result of the hearing examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The written report shall not include a referral to any private practitioner.

The student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county or city department of public health.

The Board shall provide for the screening of students for the condition known as scoliosis. Every female student in the 7th grade and every male student in the 8th grade shall be screened.

The screening shall follow the standards established by the State Department of Education and shall be performed by qualified personnel as specified by law.

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

The parent/guardian of any student suspected of having scoliosis shall be notified. The notice shall include an explanation of scoliosis, the significance of treatment at an early age, and the public services available for treatment. A referral to the appropriate community resources for diagnosis and treatment shall be made.

Students

HEALTH EXAMINATIONS (continued)

Tuberculosis Examinations

If the local health officer determines that any child seeking first admission is reasonably suspected of having tuberculosis, and the health officer issues an order for the examination of such child, the child shall not be granted unconditional admission unless a certificate is produced showing that he/she is free of communicable tuberculosis. Failure of the child to produce a certificate of freedom from communicable tuberculosis within time limits set by the State Department of Health Services shall result in exclusion from the schools of the district until the certificate is obtained and presented. If the Board believes that a child is currently afflicted with active tuberculosis, the child shall be excluded from the schools until the Board is satisfied that the child is not so afflicted.

A child may be exempt from the tuberculosis examination if it is contrary to his/her beliefs. The child's parent/guardian or custodian must provide the school with an affidavit stating that the required examination is contrary to the child's beliefs.

Legal Reference:

EDUCATION CODE

48211-48214 Persons excluded

49400-49410 General powers-school boards (re pupil health)

49450-49457 Physical examinations (pupils) Health and Safety Code

3380-3389 Immunization against communicable diseases

3400-3409 Tuberculosis tests for pupils

6000-6075 School attendance immunization requirements

CODE OF REGULATIONS, TITLE 5

590-596 Vision screening

CALIFORNIA CODE OF REGULATIONS, TITLE 17

2951 Maintenance of audiometers

Policy

adopted: July 5, 1990

revised: September 22, 1994

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

IMMUNIZATIONS

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

Each student enrolling for the first time in a district elementary or secondary school, preschool, or child care and development program or, after July 1, 2016, enrolling in or advancing to grade 7 shall present an immunization record from any authorized private or public health care provider certifying that he/she has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

Each transfer student shall be requested to present his/her immunization record, if possible, upon registration at a district school.

The Superintendent or designee may arrange for an authorized health care provider to administer immunizations at school to any student whose parent/guardian has consented in writing. At the beginning of the school year, parents/guardians shall be notified of their right to provide consent for the administration of an immunization to their child at school. (Education Code 49403)

Legal Reference:

44871 Qualifications of supervisor of health

46010 Total days of attendance

48216 Immunization

48853.5 Immediate enrollment of foster youth

48980 Required notification of rights

49403 Cooperation in control of communicable disease and immunizations

49426 Duties of school nurses

49701 Flexibility in enrollment of children of military families

51745-51749.6 Independent study

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable disease, especially:

120335 Immunization requirement for admission

120395 Information about meningococcal disease, including recommendation for vaccination

120440 Disclosure of immunization information

CODE OF REGULATIONS, TITLE 5

430 Student records

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 20

Students

IMMUNIZATIONS

1232g Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 42

11432 Immediate enrollment of homeless children

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

California Immunization Handbook for Child Care Programs and Schools, August 2015

Guide to Immunizations Required for Child Care

Guide to Immunizations Required for School Entry

Parents' Guide to Immunizations Required for Child Care

Parents' Guide to Immunizations Required for School Entry

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of Local Education Agencies and State Compliance Reporting, July 2015

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009

WEB SITES

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

California Department of Public Health, Immunization

Branch: <http://www.cdph.ca.gov/programs/immunize>

California Department of Public Health, Shots for Schools: <http://shotsforschools.org>

Policy

adopted: September 4, 2003

revised: February 11, 2016

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

KINDERGARTEN SCREENING

The Governing Board recognizes the importance of identifying potential physical and mental disabilities at an early age so that appropriate treatment can prevent or lessen the damage they may cause. In cooperation with the county child health and disability prevention program, the Superintendent or designee shall provide the parents/guardians of all kindergarten students with information regarding the health screening and evaluation services and other benefits provided under Chapter 2, Article 3.4 of the Health and Safety Code.

The Superintendent or designee shall annually provide the county child health and disability prevention program, the State Department of Health Services and the Department of Education with the information required by Health and Safety Code 324.2.

Currently enrolled first grade students shall meet the Child Health and Disability Prevention requirements by 90 days after first grade entry.

Legal Reference:

HEALTH AND SAFETY CODE

320-324.5 Child Health and Disability Prevention Program, especially

321.2 Establishment of programs; standards for procedures

323.5 Certificate of receipt; health screening and evaluation services waiver by parent or guardian

324.2 School districts and private schools; information to parents or guardians of kindergarten children

324.3 Hughes Children's Health Enforcement Act

24165.3 Child Health Disability Prevention Program expansion

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

HEAD LICE

The Governing Board believes that the district's head lice management program should emphasize the correct diagnosis and treatment of head lice in order to minimize disruption of the education process and to reduce the number of student absences resulting from infestation.

School employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The nurse or designee shall examine the student and other students who are siblings of the affected student or members of the same household.

If a student is found with active, adult head lice, he/she shall be excluded from attendance. The parent/guardian of an excluded student shall receive information about recommended treatment procedures and sources of further information. The student shall be allowed to return to school the next day and shall be checked by the nurse or designee before returning to class. Once he/she is determined to be free of lice, the student shall be rechecked weekly for up to six weeks.

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

When two or more students in any class have been identified as having a head lice infestation, all students in the class shall be examined by the end of the same school day if possible. In consultation with the school nurse, the principal shall also send information in a timely fashion, within reason, about head lice home to all parents/guardians of the students in that class notifying them that their child has been checked for head lice.

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

Legal Reference:

EDUCATION CODE

48210-48214 Persons excluded

49451 Physical examinations: parent's refusal to consent

Policy

adopted: July 5, 1990

revised: July 19, 2012

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

CHILD ABUSE PREVENTION AND REPORTING

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters.

Training

Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans

33195 Heritage schools, mandated reporters

33308.1 Guidelines on procedure for filing child abuse complaints

Students

CHILD ABUSE PREVENTION AND REPORTING

44252 Teacher credentialing
44690 et seq. Staff development in the detection of child abuse and neglect
44807 Duty concerning conduct of students
48906 Notification when pupil released to peace officer
48987 Dissemination of reporting guidelines to parents
49001 Prohibition of corporal punishment
51220.5 Parenting skills education
51900.6 Sexual abuse and sexual assault awareness and prevention

PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act
273a Willful cruelty or unjustifiable punishment of child; endangering life or health
288 Definition of lewd or lascivious act requiring reporting
11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

COURT DECISIONS

Camreta v. Greene (2011) 131 S.Ct. 2020

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss/ap>

California Department of Social Services, Children and Family Services Division:

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

U.S. Department of Health and Human Services, Child Welfare Information Gateway:

<https://www.childwelfare.gov/can>

Policy

adopted: July 5, 1990

revised: November 3, 1994

revised: August 20, 2015

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students**AT-RISK YOUTHS**

The Governing Board believes that, in order to benefit from a learning environment, students must be as free as possible from the dilemma imposed by personal and societal problems. Danger signs for the various at-risk categories must be taken seriously. District personnel must be concerned for the personal development of students, as well as their academic development.

(cf. 0210 - Goals for Student Learning)

The Superintendent or designee shall investigate and recommend programs which will address the needs of at-risk youths. At-risk youths include, but are not limited to, those students who abuse drugs or alcohol, are suicidal, exhibit serious attendance problems, drop out of school, are abused or disadvantaged children, or are pregnant or parenting minors.

Program planning should examine, but is not limited, to the following:

1. Classroom learning experiences and the integration of primary prevention programs into the classroom.
2. Staff development requirements.
3. District liability.
4. Community resources.
5. Crisis response/intervention teams.
6. Peer counseling.
7. Parent/guardian education.
8. Student Study Teams.
9. K-12 counseling and guidance curriculum.
10. Attendance and policy procedures.
11. Student discipline.
12. Alternative programs.

(cf. 5131.6 - Drugs, Alcohol and Tobacco)

(cf. 5141.4 - Child Abuse and Neglect)

(cf. 5141.52 - Suicide Prevention)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 5147 - Dropout Prevention Program)

(cf. 5148 - Child Care)

Students

AT-RISK YOUTHS (continued)

Legal Reference:
EDUCATION CODE
35160 Authority of governing boards

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students**SUICIDE PREVENTION**

The Governing Board recognizes that suicide is a leading cause of death among youth and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. To attempt to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop measures and strategies for suicide prevention, intervention, and postvention.

In developing measures and strategies for use by the district, the Superintendent or designee may consult with school health professionals, school counselors, school psychologists, school social workers, administrators, other staff, parents/guardians, students, local health agencies, mental health professionals, and community organizations.

Such measures and strategies shall include, but are not limited to:

1. Staff development on suicide awareness and prevention for teachers, school counselors, and other district employees who interact with students in the secondary grades
2. Instruction to students in problem-solving and coping skills to promote students' mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others
3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students
4. The provision of information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the youth suicide problem, the district's suicide prevention curriculum, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis
5. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
6. Crisis intervention procedures for addressing suicide threats or attempts
7. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

Students

SUICIDE PREVENTION

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning youth. (Education Code 215)

Legal Reference:

EDUCATION CODE

215 Student suicide prevention policies

32280-32289 Comprehensive safety plan

49060-49079 Student records

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

GOVERNMENT CODE

810-996.6 Government Claims Act

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

5850-5883 Mental Health Services Act

COURT DECISIONS

Corales v. Bennett (Ontario-Montclair School District), (2009) 567 F.3d 554

Board approved:
June 22, 2017

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

SAFETY

The Governing Board is responsible for ensuring that proper attention is paid to the safety of students.

The Superintendent or designee shall develop administrative regulations to provide for as safe an educational environment as possible.

Although the district is not liable for the safety of students who are not under school supervision, the school district can, and does, hold students accountable for their behavior from the time they leave their homes for school until they return to their homes from school, in the playgrounds and during recess, and while they are on school premises and/or under supervision of school district personnel. (Education Codes 44807, 44808)

Principals, teachers and bus drivers are responsible for the conduct and safety of students from the time they come under school supervision until they leave school supervision, whether on school premises or not.

(cf. 5144 - Discipline)

A student shall not be permitted to leave school in the custody of a person other than the student's legal parent/guardian unless that person has the verified authorization of the legal parent(s)/guardian(s). Properly authorized law officers may seize or apprehend according to law.

(cf. 5145.11 - Questioning and Apprehension)

It is the responsibility of the principal to provide for adequate supervision of playgrounds and other school facilities at all times they are in use by students during the school day or at school-sponsored activities. Special attention should be given to the prevention of accidents and to the development of habits of good citizenship.

The principal should make full use of the cooperative services of local and county organizations which provide safety services, such as fire, law enforcement and disaster preparedness agencies.

Missing Children

The Board recognizes that all employees of the district must be made aware of the plight of missing children. Each principal shall be responsible for seeing that information on missing children is posted in the school. Information on missing children shall be posted in areas restricted to adult use only.

Students

SAFETY (continued)

Each elementary school principal shall maintain procedures which ensure that each newly enrolled or transferred student is checked to see whether he/she resembles any child listed as missing. School employees are encouraged to review missing children's pictures when a student transfers into the school.

(cf. 5112.6 - Parental Notification Program - Absences)

Laboratory Safety

The principal of each school offering laboratory work to students shall designate a trained certificated employee as "building laboratory consultant" who shall be responsible for reviewing, updating and carrying out of the school's procedures for laboratory safety. (Education Code 49341)

Eye Protection Devices

The Superintendent or designee is directed to develop regulations which require that eye protective devices are worn by students, teachers and visitors at any time when they are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. (Education Code 32030, 32031)

The Board shall provide eye safety devices required by law at the district expense.

(cf. 3514 - Safety)

(cf. 5141.1 - Accidents)

(cf. 5141.4 - Child Abuse and Neglect)

(cf. 6114.1 - Emergencies & Disaster Preparedness Plans)

(cf. 6145.2 - re Equipment - Safety)

(cf. 6161.3 - Toxic Art Supplies)

Legal Reference:

EDUCATION CODE

32001 Fire alarms and drills

32020 School gates; entrances for emergency vehicles

32030-32034 School eye safety

32040 First aid equipment

32050 Hazing

32200 Fire drills

Students

SAFETY (continued)

- 40048 Missing children; posting of information
 - 44807 Duty of teachers concerning conduct of pupils to hold them accountable for conduct to and from schools, on playgrounds, and during recess
 - 44808 Exemption from liability when students are not on school property
 - 44808.5 Permission for pupils to leave school grounds; notice (high school)
 - 49068.5 Missing children; transfers
 - 49341 Need for safety in school science laboratories
 - 51202 Instruction in personal and public health and safety
- CODE OF REGULATIONS, TITLE 5
- 202 Exclusion of pupils with a contagious disease
 - 14103 Bus driver; authority over pupils

Students

CROSSING GUARDS

The Governing Board is concerned for the safety of students and recognizes that responsible supervision may be needed to help children in safely crossing high traffic or hazardous streets and highways.

The Superintendent or designee shall obtain the services of paid adult crossing guards through the city, based on determination of need.

Legal Reference:

EDUCATION CODE

45450 Guards at pedestrian crossings; employment

45451 School crossing guards; reimbursement of districts

45452 School crossing guards; refusal of city or county to provide; reimbursement of school district

49300-49307 School Safety Patrols

VEHICLE CODE

21100 Rules and regulations: subject matter

42200 Fines and forfeitures, disposition by cities

42201 Fines and forfeitures, disposition by counties

CODE OF REGULATIONS, TITLE 5

570-576 School safety patrols

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

INSURANCE

A group student accident insurance plan shall be made available on a voluntary basis to every student registered in the district. The specific plan shall be approved by the Governing Board and shall specify that the insurance agent assume all administrative processes. (Education Code 49470, 49472)

The Board authorizes the distribution of literature concerning voluntary student insurance during the first week of every school year. All communications concerning the insurance shall be directed to the insurance company by the student's parent/guardian.

(cf. 6153 - Field Trips)

Legal Reference:

EDUCATION CODE

32220-32224 Insurance for athletic teams

33353.5 Interscholastic federation; insurance program; nontransaction of insurance

49470-49474 District medical services and insurance

51760(d) Insurance - work experience programs

52530 Insurance for healing arts program students

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students**DISCIPLINE**

The Governing Board is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and to preparing students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

The Superintendent or designee shall design a complement of effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at district schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

In addition, the Superintendent or designee's strategies shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures as a means for correcting student misbehavior.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively implement the disciplinary strategies adopted for district schools, including, but not limited to, consistent school and classroom management skills, effective accountability and positive intervention techniques, and development of strong, cooperative relationships with parents/guardians.

District goals for improving school climate, based on suspension and expulsion rates, surveys of

Students

DISCIPLINE (continued)

students, staff, and parents/guardians regarding their sense of school safety, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

At the beginning of each school year, the Superintendent or designee shall report to the Board regarding disciplinary strategies used in district schools in the immediately preceding school year and their effect on student learning.

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-3521.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48925 6 Suspension and expulsion

48980-48985 Notification of parents or guardians

49330-49334 Injurious objects

52060-52077 Local control and accountability plan

CIVIL CODE

1714.1 Parental liability for child's misconduct

CODE OF REGULATIONS, TITLE 5

307 participation in school activities until departure of bus

353 Detention after school

Policy

adopted: July 5, 1990

Revised: August 20, 1992

Revised: May 31, 2012

Revised: April 6, 2017

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students**SUSPENSION AND EXPULSION/DUE PROCESS**

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

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

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the district's nondiscrimination policies.

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j)) As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion

Students

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in a public session.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law.

The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Codes 48911, 48915 and 48915.5)

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

Students

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48667 Community day schools

48853.5 Foster youth

48900-~~48925~~ 48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf

of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.1 Assault fines

242 Battery defined

243.2 Battery on school property

Students

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

243.4 Sexual battery
245 Assault with deadly weapon
245.6 Hazing
261 Rape defined
266c Unlawful sexual intercourse
286 Sodomy defined
288 Lewd or lascivious acts with child under age 14
288a Oral copulation
289 Penetration of genital or anal openings
417.27 Laser pointers
422.55 Hate crime defined
422.6 Interference with exercise of civil rights
422.7 Aggravating factors for punishment
422.75 Enhanced penalties for hate crimes
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors, or stun guns
868.5 Supporting person; attendance during testimony of witness
WELFARE AND INSTITUTIONS CODE
729.6 Counseling
UNITED STATES CODE, TITLE 18
921 Definitions, firearm
UNITED STATES CODE, TITLE 20
1415(k) Placement in alternative educational setting
7151 Gun free schools
UNITED STATES CODE, TITLE 42
11432-11435 Education of homeless children and youths

Policy
adopted: July 5, 1990
Revised: April 6, 2017

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

SUSPENSION AND EXPULSION: SPECIAL EDUCATION STUDENTS

The Board of Trustees recognizes that maintaining an environment which promotes learning and protects the health, safety and welfare of all students may require the suspension or expulsion of a student. Further, it is recognized that an Individual Education Plan (IEP) governs the placement of a special education student.

The Board shall provide for fair treatment of special education students in regards to suspension and expulsion by affording them the due process rights under law and under special education regulations.

Philosophically, the Board believes all students - both regular education and special education - should be disciplined equally for serious misbehavior that might result in suspension or expulsion.

The Board delegates to the Superintendent the enforcement of appropriate special education student discipline on campuses and enforcement of appropriate special education discipline due process required by law.

Legal Reference:

EDUCATION CODE

35146 Closed sessions (re suspensions)

35291 Rules (of governing board)

48900-48925 Suspension and expulsion

56320 Educational needs; requirement

56321 Development or revision of individualized education program

56340-56347 Individual education program teams

56505 State hearing

GOVERNMENT CODE

54950 (re closed sessions)

PENAL CODE

626.2 Entry upon campus after written notice of suspension or dismissal without permission

UNITED STATES CODE, TITLE 20

1415 Procedural Safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and Placement

300.345 Parent participation

Honig v. Doe (1988) 484 US 305

Doe v. Maher (1986) 793 F.2d 1470, 1487

Policy

adopted: January 4, 1996

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students**PRIVACY**

The Governing Board recognizes that personal beliefs are a private matter. Without the written notice and written consent of a parent/guardian, no student shall be given any test, survey, questionnaire or examination containing questions about personal or family beliefs or practices in sex, family life, morality, or religion. (Education Code 60650)

As required by law (Education Code 35301), school counselors shall respect the confidentiality of any personal information disclosed by students 12 years of age or older during the course of educational counseling. Personal information given to a counselor by the parent/guardian of a student 12 or older shall also be kept confidential and included in the student's record only with the parent/guardian's written consent. Exceptions shall be made only as provided by law:

1. In discussion with health care providers, certain psychotherapists, or the school nurse, solely when referring the student for treatment.
2. As required by law when reporting child abuse or neglect.
3. To the principal or parents/guardians when the counselor believes it necessary to avert a clear and present danger to the health, safety, or welfare of the student, parents/guardians, other students, school staff or community members.

(cf. 5113 re. Confidential Medical Services)

4. To the principal, parents/guardians, other persons outside the school and other persons as necessary inside the school when the student says that a crime will be or has been committed involving the likelihood of personal injury or significant property loss.
5. When the student, 12 years of age or older, has read and signed a waiver naming one or more persons to whom information may be reported. The waiver must be kept in the student's file.
6. To law enforcement agencies when required by court order to aid in a criminal investigation, or when ordered to testify in administrative or judicial proceedings.

In any case, the counselor shall not disclose information to parents/guardians when having any cause to believe that this disclosure would endanger the health, safety or welfare of the student.

Legal Reference:

EDUCATION CODE

49602 Confidentiality of pupil information

60650 Personal beliefs

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

QUESTIONING AND APPREHENSION

Questioning

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the principal or designee shall ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption to the school, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

Except in cases of child abuse or neglect, the principal or designee shall notify the student's parent/guardian when a law enforcement officer requests an interview on school premises. This notification shall not delay the starting of the interview.

At the law officer's discretion and with the student's approval, the principal or designee may be present during the interview. Principal or designee will inform the student of his/her right to request a staff member to be present during any interview.

If in the course of the interview the law officer finds it necessary to remove the student from school so as to better aid the investigation, the principal or designee shall first ascertain the reason for such action. Upon releasing the student, the principal or designee shall immediately attempt to inform the student's parent/guardian.

Apprehension

Police officers, officers of the juvenile court, and other authorized law enforcement officials have an absolute right to enter a school and take a student into custody or make an arrest of a student.

When a site administrator releases a student into the custody of a law enforcement officer, he/she shall immediately notify the parent, guardian, or responsible relative of the minor regarding the student's release and the place to which the student is reportedly taken, except in cases of suspected child abuse.

Whenever a student is suspected of being a victim of child abuse and is being removed from the school premises, the Superintendent or designee must give the telephone number and addresses of

Students

QUESTIONING AND APPREHENSION (continued)

the student's parent/guardian to the law enforcement officer. The officer then has the responsibility of notifying the parent/guardian.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person.

Legal Reference:

EDUCATION CODE

44807 Duty concerning conduct of pupils

48264 Arrest of truants

48265 Delivery of truant

48902 Notice to law authorities

48906 Release of minor pupil to peace officers; notice to parent, guardian or relative

Legal Reference continued:

48909 Narcotics and other hallucinogenic drugs (re arrest)

PENAL CODE

830-832.8 re peace officers

833-851.85 re arrests

1328 Service of subpoena

CODE OF REGULATIONS, TITLE 5

303 Duty to remain at school

COURT DECISIONS

People v. Burton (1971) 6 Cal. 3d 375

In re Donaldson (1969) 269 Cal. App. 2d 509

Baines v. Brady (1953) 122 Cal. App. 2d 957, 960

In the matter of Paul P., 85 Daily Journal D.A.R. 2594

32 Ops. Cal. Atty. Gen. 46 (1958)

34 Ops. Cal. Atty. Gen. 93 (1959)

54 Ops. Cal. Atty. Gen. 96 (1971)

Policy

adopted: May 7, 1992

revised: July 9, 2009

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

SEARCH AND SEIZURE

The Westminster School District Governing Board is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items.

The Board urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the district's policy and administrative regulation and other legal issues, as appropriate.

Individual Searches

School officials may search any individual student, his/her property, or district property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, cellular phones, or other electronic communication devices.

Any search of a student, his/her property, or district property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

Searches of individual students shall be conducted in the presence of at least two district employees.

Students

SEARCH AND SEIZURE (continued)

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

Searches of Multiple Student Lockers/Desks

All student lockers and desks are the property of the district. The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

48900-48927 Suspension and expulsion

49050-49051 Searches by school employees

49330-49334 Injurious objects

PENAL CODE

626.9 Firearms

626.10 Dirks, daggers, knives or razor

CALIFORNIA CONSTITUTION

Article I, Section 28(c) Right to Safe Schools

COURT DECISIONS

Policy

adopted: July 9, 2009

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

FREEDOM OF SPEECH/EXPRESSION: PUBLICATIONS CODE

Free inquiry and exchange of ideas are essential parts of a democratic education. The Governing Board respects students' rights to express ideas and opinions, take stands, and support causes, whether controversial or not, through their speech, their writing, their clothing, and the printed materials they choose to post or distribute.

Student liberties of expression shall be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health and safety of all members of the school community.

Students shall be free to post or distribute handbills, leaflets and other printed material, whether produced within or outside of the school. Students may collect signatures on petitions concerning either school or out-of-school issues.

Because district schools have a closed forum, students may not post or distribute materials regarding the meetings of non- curricular student-initiated groups.

(cf. 1325 - Advertising and Promotion)
(cf. 6145.5 Organizations/Associations)

The Superintendent or designee shall ensure that due process is followed when resolving disputes regarding student freedom of expression.

(cf. 6145.3 - Publications)

Legal Reference:

EDUCATION CODE

48907 Exercise of free expression; rules and regulations

51520 Prohibited solicitations on school premises

Perumal et al v. Saddleback Valley Unified School District, 88 Daily Journal D.A.R. 1426

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students**NONDISCRIMINATION/HARASSMENT**

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct that is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. He/she

Students

NONDISCRIMINATION/HARASSMENT (continued)

shall report his/her findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination
- 48900.3 Suspension or expulsion for act of hate violence
- 48900.4 Suspension or expulsion for threats or harassment
- 48904 Liability of parent/guardian for willful student misconduct
- 48907 Student exercise of free expression
- 48950 Freedom of speech
- 48985 Translation of notices
- 49020-49023 Athletic programs
- 51500 Prohibited instruction or activity
- 51501 Prohibited means of instruction
- 60044 Prohibited instructional materials

Students

NONDISCRIMINATION/HARASSMENT (continued)

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Student record

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

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

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information

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

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

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

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

Policy

adopted: July 5, 1990

revised: February 18, 1993

revised: July 20, 2017

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

NOTIFICATIONS REQUIRED BY LAW

The Superintendent or designee shall send students and parents/ guardians all notifications required by law, including notifications about their legal rights.

Notifications which must be sent at the beginning of each academic year shall include a request that the parent/guardian sign the notice and return it to the school. (Education Code 48982)

The Superintendent or designee shall determine the primary language of each student enrolled in the district. (Education Code 52164, 52164.1)

(cf. 6174 - Education for Students of Limited English Proficiency)

When 15% or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students shall also be written in the primary language and may be answered by the parent/guardian in either language. (Education Code 48985)

Legal Reference:

EDUCATION CODE

40 Prohibited sex discrimination

265 Information re availability of civil remedies

32052 Participation or knowingly permit hazing

32255-32255.6 Right to refuse harmful or destructive use of animals

32390 Fingerprint program; contracts; funding; consent of parent/guardian; mailing of documents containing finger- prints to parent/guardian

35256 School accountability report card

35291 Rules

35291.5 Rules and procedures on school discipline

37616 Consultation

39141.8 Pupils: school buildings

46010.1 Notice to pupils in grades 7 to 12 and parent and guardian; excuse of pupil to obtain confidential medical services without consent of parent

46014 Regulations regarding absences for religious purposes

48000 Minimum age of admission

48205 Absence for personal reasons

48206.3 Pupils with temporary disabilities; individual instruction; definitions; computing average daily attendance

48207 Pupils with temporary disabilities in hospitals out- side of school district; compliance with residency requirements

Students**NOTIFICATIONS REQUIRED BY LAW (continued)**

- 48208 Presence of pupils with temporary disabilities in qualifying hospitals; notice by parent/guardian; commencement of individualized instruction
- 48213 Notice to parent or guardian
- 48260.5 Notice to parent re truancy
- 48637.1 Notice of intended assignment
- 48900.1 Attendance of suspended child's parent or guardian for portion of school day
- 48904 Liability of parent/guardian for willful pupil misconduct; withholding of grades, diploma and transcripts; voluntary work program
- 48904.3 Withholding grades, diplomas, or transcripts
- 48911(d) Notification in case of suspension
- 48912 Closed sessions; consideration of suspension
- 48980 Required notification at beginning of term; rights or responsibilities; individualized instruction; nutrition; fingerprinting
- 48981 Time and means of notification
- 48982 Signature; return to school; effect of signature
- 48983 Contents of notice
- 48984 Activities prohibited unless notice given
- 48985 Notices to parents in language other than English
- 49063 Notification of parents of their rights
- 49067 Regulations regarding pupil's achievement
- 49068 Transfer of permanent enrollment and scholarship record
- 49069 Absolute right to access
- 49070 Challenging content of records
- 49073 Release of directory information
- 49076 Access to student records
- 49077 Access to information concerning a student in compliance with court order; notice to parents and pupil
- 49302 Parental consent
- 49332 Notifications of parent/guardian; retention of object by school personnel; release
- 49403 Cooperation in control of communicable disease and immunization of pupils
- 49423 Administration of prescribed medication for pupil
- 49451 Physical examinations: parent's refusal to consent
- 49452.5 Screening for scoliosis
- 49455 Vision appraisal
- 49456 Report to parent
- 49470 Medical and hospital services for athletic program
- 49471 Medical and hospital service not provided or available
- 49472 Medical and hospital services for pupils
- 49473 Distribution of printed matter regarding medical and hospital services

Students

NOTIFICATIONS REQUIRED BY LAW (continued)

- 49480 Continuing medication regimen for nonepisodic conditions; required notice to school employees
 - 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
 - 51216 Pupil proficiency; assessment; conference to further pupil's progress; instruction in basic skill for pupil not demonstrating sufficient progress
 - 51240 Excuse from health instruction and family life and sex education due to religious beliefs
 - 51550 Sex education courses
 - 51820 Venereal disease instruction; written notification to parent; inspection of instructional material; consensual pupil participation
 - 52164 Census
 - 52164.1 Census-taking methods; determination of primary language; assessment of language skills; notice
 - 52173 Consultation with parents or guardians; notice to parents or guardians; withdrawal of pupil from program
 - 52244 Advanced Placement Program
 - 54444.2 Migrant education programs; parent involvement
 - 56000-56885 Special education, especially
 - 56321 Special education: proposed assessment plan
 - 56329 Written notice of right to findings; independent assessment
 - 56341 Individualized education program team
 - 56346 Parental notice and consent to special education program
 - 56501 Due process hearing procedure
 - 56502 Requests for due process hearings; informal meeting; notice to parties; availability of services within geographical area
 - 56504 Examination of school records
 - 56506 Due process rights
 - 58501 Alternative schools: notice required prior to establishment
 - 60650 Personal beliefs
 - 60722 Published standardized achievement tests; duties to school personnel
- CODE OF REGULATIONS, TITLE 5
- 4306 Reclassification
 - 4308 Parent notification
 - 11523 Notice of proficiency examinations (HS)
- HEALTH AND SAFETY CODE
- 323.5 Certificate of receipt; health screening and evaluation services; waiver by parent/guardian
 - 324.2 School districts and private schools; information to parents or guardians of kindergarten children; withholding of average daily attendance funds
 - 3385 Beliefs opposed to immunization, letter or affidavit; temporary exclusion from school

Students

NOTIFICATIONS REQUIRED BY LAW (continued)

3386 Exemption; statement by physician contraindicating immunization
120440 Sharing immunization information

PENAL CODE

627.5 Hearing request following denial or revocation of registration

WELFARE AND INSTITUTIONS CODE

18976.5 Parental notice; right of refusal to participate

TITLE VI, CIVIL RIGHTS ACT OF 1964

SECTION 504, REHABILITATION ACT OF 1973

TITLE IX, EDUCATION AMENDMENTS OF 1972

Prohibition of discrimination in school activities, PL 92-318

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981

Public law 97-35 as amended by public law 100-297

34 CODE OF FEDERAL REGULATIONS, 200.34

40 CODE OF FEDERAL REGULATIONS, 763.93

HEW Regulation 99.34

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students**SEXUAL HARASSMENT**

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

According to Equal Employment Opportunity Commission guidelines, sexual harassment is an act of discrimination on the basis of sex within the meaning of Title VII of the Civil Rights Act of 1964, as amended. Sexual harassment is similarly construed within the meaning of Title IX of the Education Amendments pertaining to academic life. In accordance with Title VII and Title IX, the District defines sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status, (2) submission to, or rejection of, such conduct by an individual is used as the basis for an employment decision or academic decision affecting that person, or 3) such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.

The Assistant Superintendent, Personnel Services, or designee shall ensure that students receive age appropriate information related to sexual harassment. Ms. Sheri Loewenstein, Assistant Superintendent, Personnel Services, Westminster School District, 14121 Cedarwood Avenue, Westminster, CA 92683, 714-894-7311, is the District's Title IX Officer, and Sexual Harassment Officer. Students shall be assured that they need not endure any form of unwelcome sexual behavior or communication. They shall further be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well being at school.

Any student who engages in the sexual harassment of anyone at school or a school-related activity shall be subject to disciplinary action. For students in Kindergarten through Grade 3, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in Grades 4 through 12, the disciplinary action may include, but is not limited to, suspension and/or expulsion.

Students shall be informed that they should immediately report any incidents to either the principal or their designee if they feel they are being harassed. Any student or parent on behalf of the student, who feels that he/she is being sexually harassed may pursue the complaint in an informal process or may file a formal complaint with the District. Within 24 hours, staff shall report complaints of sexual harassment to the principal or designee and to Sheri Loewenstein, Assistant Superintendent, Personnel Services, who will immediately log the complaint. Staff shall similarly

Students**SEXUAL HARASSMENT (continued)**

report any such incidents they may observe even if the harassed student has not complained to the principal or designee.

The principal or designee shall immediately investigate any report of the sexual harassment of a student. If a more extensive investigation is necessary, the District may utilize an outside investigator who shall serve as a fact finder. Upon verifying that sexual harassment occurred, the principal or designee shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the person subjected to the harassment, and prevent any further instances of harassment. A student may make either an informal complaint, which is a complaint which is either written or verbal, of an alleged act of sexual harassment; or a student may file a formal complaint, which is a complaint filed on the District's complaint form, with the Superintendent or designee in accordance with District's procedure.

The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Information related to the complaint of sexual harassment shall be kept confidential to the extent possible, within legal constraints and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Discrimination

UNITED STATES CODE, TITLE 42

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

Students

SEXUAL HARASSMENT (continued)

COURT DECISIONS

Reese v. Jefferson School District, (2001) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Oona R.-S. etc. v. Santa Rosa City Schools et al, (1995) 890 F.Supp. 1452
Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143
Clyde K. v. Puyallup School District #3, (1994) 35 F.3d 1396
Patricia H. v. Berkeley Unified School District, (1993) 830 F.Supp. 1288
Franklin v. Gwinnet County Schools, (1992) 112 S. Ct. 1028
Kelson v. City of Springfield, Oregon, (1985, 9th Cir.) 767 F.2d 651

Management Resources:

**OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS
GENERAL**

Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999

OFFICE OF CIVIL RIGHTS' PUBLICATIONS

Revised Sexual Harassment Guidance, January 2001

Sexual Harassment Guidance, March 1997

WEB SITES

OCR: <http://www.ed.gov/offices/OCR>

Policy

adopted: August 20, 1992

revised: March 4, 1993

revised: November 15, 2001

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Students

REFUSAL TO HARM OR DESTROY ANIMALS

The Governing Board recognizes that some students have a moral objection to dissecting or otherwise harming or destroying animals. California law grants these students the right to refrain from participation in instruction which involves such activities.

Students shall not be discriminated against because of a decision to exercise this right. (Education Code 32255.1)

At the beginning of each academic year, the district shall notify students and parents/guardians of the students' right to refrain from instruction involving harm or destruction of animals. (Education Code 48980) Such notification shall also be given to students by each teacher of a course that uses live or dead animals or animal parts. (Education Code 32255.4)

(cf. 5145.6 - Notifications Required by Law)

Agricultural education classes are exempt from the legal provisions which allow students this right. (Education Code 32255.6)

The accommodation of students' requests for alternative educational projects shall be left to the discretion of site administrators and teachers.

Legal Reference:

EDUCATION CODE

32255-32255.6 Pupil's rights to refrain from the harmful or destructive use of animals

48990 Required notification at beginning of term

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Students

CHILD CARE AND DEVELOPMENT

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

The Board shall enter into a contract with the California Department of Education (CDE) for the provision of child care and development services by the district.

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

Eligibility and Enrollment

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

Staffing

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

Facilities

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

Complaints

For a licensed child care center, any complaint alleging health and safety violations shall be

Students**CHILD CARE AND DEVELOPMENT (continued)**

referred to the California Department of Social Services. For a license-exempt facility, such complaints shall be referred to the appropriate Child Development regional administrator. Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

Program Evaluation

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The evaluation report shall be submitted to the Board and the CDE along with an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

Legal Reference:

EDUCATION CODE

8200-8499.10 Child Care and Development Services Act, especially:

8200-8209 General provisions for child care and development services

8210-8216 Resource and referral program

8220-8226 Alternative payment program

8230-8233 Migrant child care and development program

8235-8239 California state preschool program

8240-8244 General child care programs

8250-8252 Programs for children with special needs

8263 Eligibility and priorities for subsidized child development services

8263.3 Disenrollment of families due to reduced funding levels

8263.4 Enrollment of students ages 11-12 years

8273-8273.3 Fees

8278.3 Child Care Facilities Revolving Fund

8360-8370 Personnel qualifications

8400-8409 Contracts

8482-8484.65 After-school education and safety program

8484.7-8484.8 21st Century community learning centers

8493-8498 Facilities

8499-8499.7 Local planning councils

49540-49546 Child care food program

49570 National School Lunch program

Students

CHILD CARE AND DEVELOPMENT (continued)

56244 Staff development funding

HEALTH AND SAFETY CODE

1596.70-1596.895 California Child Day Care Act

1596.90-1597.21 Day care centers

120325-120380 Immunization requirements

CODE OF REGULATIONS, TITLE 5

4610-4687 Uniform complaint procedures

18000-18434 Child care and development programs, especially:

18012-18122 General requirements

18180-18192 Federal and state migrant programs

18210-18213 Severely handicapped program

18220-18231 Alternative payment program

18240-18248 Resource and referral program

18270-18281 Program quality, accountability

18290-18292 Staffing ratios

18295 Waiver of qualifications for site supervisor

18300-18308 Appeals and dispute resolution

80105-80125 Commission on Teacher Credentialing, child care and development permits

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

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adopted:

September 14, 2017

WESTMINSTER SCHOOL DISTRICT

Westminster, California