



LUSD

Livingston Union School District

REACHING FOR EXCELLENCE IN EDUCATION

2019/2020

District

Parent & Student

Guide

ANDRÉS ZAMORA, SUPERINTENDENT

August 2019

August, 2019

Dear Parents,

Welcome to a new and exciting school year. We are pleased to have you as our partners in the education of your children.

One of our primary goals is to continually strengthen this important partnership between home and school. We strive to ensure that parents and students are kept well informed and always made to feel welcome. You are an important part of our school community.

With that important purpose in mind, we have put together this District Parent and Student Guide to supplement the Parent Handbook sent home from individual school sites. Enclosed you will find information relative to your rights and responsibilities as parents, as well as other pertinent information. We have also included a district personnel and school site directory.

Our focus is on *service and excellence*. If at any time you have questions or concerns, it is important that you speak with your child's teacher or principal. We are here to be of assistance to you and we welcome your comments and inquiries. If we are unable to assist you in a manner that is satisfactory, please bring it to my attention. I would also appreciate hearing from you when you are provided with exceptionally professional and courteous attention.

Once again, we are pleased to have the opportunity to serve you and your children, and we look forward to a great 2019/2020 school year.

Sincerely,

Andrés Zamora _____

Andrés Zamora, Superintendent

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MISSION STATEMENT

All students will be prepared as 21st Century global citizens. They will be proficient readers and writers who can solve problems and think critically, be adaptive and flexible, able to collaborate successfully in groups, effectively utilize technology as a learning and communication tool, demonstrate a positive work ethic, and make meaningful contributions to their school and their community.

OUR PURPOSE

The Livingston Union School District is building a community of learners through a culture of dynamic learning and collaboration for all...Students, Parents and Staff.

PRIORITIES

To achieve our mission grounded in our core values, we commit to these priorities:

- Ensure that our students are given learning opportunities to improve and excel.
- Promote a culture and climate of mutual respect, engagement, equity, safety, and high expectations.
- Support a focus on early literacy to increase the number of students reading at grade level by 3rd grade.
- Build the capacity of teachers, leaders, and support staff to achieve exemplary performance.
- Ensure fiscal solvency and judicious allocation of resources aligned with district LCAP and priorities.
- Ensure that our LCAP is developed with the engagement of our stakeholders, implemented, outcome driven and monitored.
- Increase access to enriched, interdisciplinary learning opportunities inclusive of arts, music, Science, Technology, Engineering and Math (STEM).

GUIDING CORE VALUES

Our "guiding core values" direct our priorities, our goals, and our actions. They establish the foundation of a District culture based on high expectations and collaboration with an unrelenting determination to ensure the success of our students.

Our Students Are Not to Blame |

We believe that circumstances of birth, socioeconomic status, language proficiency, or disability are not barriers to learning.

Collaboration is an Essential Building Block, Establishing a Productive and Supportive School Culture and Improving Student Learning |

Effective instruction needs to be rigorous, relevant and builds on meaningful relationships with our students.

People, Not Programs, Make the Real Difference |

The professionals at LUSD make the real difference; caring and competent classroom teachers, proactive administrators, a visionary and engaged superintendent, and a supportive Board of Trustees.

Academic English Proficiency and Biliteracy are Keys to Success |

Developing proficient use of academic English is the linguistic goal across all subject areas and grade levels for all students.

Collective Responsibility for the Success of Our Students |

Within our respective roles, students, parents, teachers, support staff, principals, superintendent, and board members we are all collectively and individually responsible for the success of each of our students.

Parents are Our Partners in Education |

Effectively involving parents with students in schools enables parents to understand more clearly the curriculum and expectations so they can support their children at home.

All Important Decisions Must Be Made Through a "Student Filter" |

Sound decisions must always be made in the best interest of students.

PARENT NOTICE OF RIGHTS AND RESPONSIBILITIES

The following pages contain important information. Please read these sections carefully and if you have any questions, feel free to call your child's school or the District Office.

ABSENCES

Absences for Personal Reasons

Any time pupils are absent from school, they must return with a note or the parent/guardian may call the school office and explain the absence. An excused absence is granted only if the pupil has been ill, at a doctor's /dentist's appointment, appearing in court, attending the pupil's naturalization ceremony, or if there has been a death in the immediate family. ("Immediate family," as used in this section refers to mother, father, grandmother, grandfather, brother, or sister of the pupil, or any relative living in the immediate household of the pupil.)

Attendance at a funeral service as long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California, or an observance of a religious holiday, when the absence has been requested in writing by the parent/guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.

For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.

Authorized at the discretion of a school administrator based on the facts of the pupil's circumstances, which are deemed to constitute a valid excuse, including, but not limited to, working for a period of not more than five consecutive days in the entertainment or allied industries or participate with a not-for-profit performing arts organization in a performance for a public school pupil audience for a maximum of up to five days per school year provided the pupil's parent or guardian provides a written note to the school authorities explaining the reason for the pupil's absence. (Ed. Code, §§ 48260, 48205, 48225.5)

A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit. As the teacher of any class from which a pupil is absent shall determine, the tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the test and assignments that the pupil missed during the absence. (Ed. Codes 48205[b], 48980[j])

Absences for Religious Purposes

Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. No pupil shall be excused from school for such purpose on more than four days per month. (Ed. Code 46014)

Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

ASBESTOS HAZARD EMERGENCY RESPONSE ACT

An updated management plan for asbestos-containing material in school buildings is available at the District Office. (40C.F.R.763.93)

ATTENDANCE OPTIONS

Student Residency

A student may be enrolled in the District if (1) the student's parent, legal guardian or other person having control and charge of the student resides in the District (Ed. Code 48200); (2) the District has approved interdistrict attendance (Ed. Code, §46600; (3) the student is placed in a regularly established children's institution, licensed foster home, or family home; or (4) the student is a foster child who remains in his or her school of origin pursuant to Ed Code Section 48853.5(f) and (g); (5) the student is emancipated and lives within the District; (6) the student lives in the home of an adult who has submitted a caregiver affidavit; (7) the student resides in a state hospital within the District; or (8) the student's parent or legal guardian resides outside of the boundaries of the school district but is employed and lives with the student at the place of his/her employment within the school district boundaries for a minimum of three days during the school week. (Ed. Code, § 48204). The law allows, but does not require, a district to accept a student for enrollment where at least one parent or legal guardian of the student is physically employed within the district's boundaries for a minimum of 10 hours during the school week. (Ed. Code 48204). A student also complies with the residency requirements for school attendance in a school district if he or she is a student whose parent is transferred or pending transfer to a military installation within the state while on active duty pursuant to an official military order. However, the parent must provide proof of residence in the school district within ten days after the published arrival date provided on official documentation. (Ed. Code, 48204.3) A student also complies with the residency requirement if the student's parent/guardians were residents of the state but departed California against their will if the student provides official documentation evidencing the departure of his/her parent/guardians against their will; that the student moved outside of California as a result of his/her parent/guardians departing California against their will, and that the student lived and was enrolled in school in California immediately before moving outside of California. (Ed. Code, 48204.4)

Interdistrict Transfers

Parents are advised that the District allows for students from other districts to apply for admission into or district students to transfer out of our District through the interdistrict transfer process if certain requirements are met. Parents of students living outside a school's geographic boundaries may also apply for a transfer to another school if certain criteria are met. Parents interested in an interdistrict transfer should contact the District Office at 394-5400. (Ed. Codes 48300-48315, 46600-46611)

Intradistrict Transfers

The Livingston Union School District's attendance areas for Yamato Colony, Campus Park, Selma Herndon, and Livingston Middle School have been specifically designated. If parents wish a change of assignment in their child's school, they will need to apply through the school before for the start of the new school year. Late applicants will not be added to the waiting list. The waiting list shall only be valid for the school year in which the request was made and shall not be valid for the subsequent year. Notification of approval, denial or placement on the waiting list shall be made by mail or phone. Applicants who receive a notice of approval shall have ten days to enroll at the approved school.

Students transferring from outside the attendance area shall not displace any student who resides in an attendance area at the beginning of the school year. Once a student has enrolled through open enrollment process, a student shall not have to apply for readmission. The governing board retains the authority to maintain appropriate class sizes, racial and ethnic balances among the District's schools.

For enrollment priorities, please refer to the Intradistrict Open Enrollment Board Policy which is available upon request at the District Office. An application for Intradistrict Open Enrollment and a list of all schools that may have space for additional students, please contact your school office. Parents wishing to select a school outside their school of residence for the next school year must have applications to the school by May 1st. Parents who would like their children to continue at their school of residence need to take no further action. (Ed. Code 35160.5)

For the 2019/2020 school year, the District will operate three Kindergarten through Fifth Grade schools and one Sixth through Eighth Grade school.

BUS TRANSPORTATION

During last school year, the District's fleet of eleven school buses traveled more than 53,000 miles to and from school. All bus drivers maintained an exemplary safe-driving record. Bus transportation provided for students is a privilege and an optional service for the benefit of our students. It is imperative that students are on their best behavior while riding buses due to the dangerous nature of distracting the driver. Carefully outlined district-wide rules and consequences are contained in each school's Parent Handbook. Please review these with your child to ensure everyone's safety.

To ride the school bus, students must live beyond the following distances from their schools of attendance: Grades K-Third, 3/4 mile, and Grades Fourth-Eighth, 1 mile. New bus riders (primary grade students) should be accompanied to and from the bus stop by an adult. It is the parents' responsibility to make sure their children know their way to and from the bus stop. If you have any questions about bus routes, please call the Transportation Department at 394-5405.

Hazardous Driving Conditions (fog, flood, etc.)

The local media will be notified of driving conditions that delay or cancel transportation services. In most cases it may just be a fog delay. On days when the fog is very dense and our buses are running late, announcements will be made at regular intervals beginning at 6:15 a.m. on the following radio stations:

KYOS—1480 AM	KHTN-HOT—104.7 FM	KMJ - 580 AM	KLVN – 88.3 FM
KBYN – 95.9 FM	KAMB – 101.5 FM	KATM – 103.3 FM	

Also on television station: KFSN – Channel 30

CHILD ABUSE REPORTING GUIDELINES AND PROCEDURES

The following information will assist parents and guardians in determining whether or not child abuse has occurred and, if so, how to file a complaint of child abuse with local law enforcement. This information has been taken from the California Child Abuse and Neglect Reporting Act in the California Penal Code and from sections of the California Education Code.

Child Abuse Can Be Any of the Following:

A physical injury which is inflicted on a child by another person other than by accidental means.

The sexual abuse, assault, or exploitation of a child, such as:

- The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare, whether the harm or threatened harm is from acts or omissions on the part of the responsible person;
- The willful infliction upon a child of any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition; or
- The willful harming or injuring of a child or endangering of the person or the health of a child where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children or an administrator or employee of a public or private school or other institution or agency.

Child Abuse Does *Not* Include:

A mutual fight between minors;

An injury that is caused by the actions of a peace officer using reasonable and necessary force within the scope of his or her employment; or

An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school:

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

How to File a Complaint of Child Abuse Committed at a School Site

Parents and guardians of pupils have the right to file a complaint against a school employee or other person that they suspect has engaged in abuse of a child at a school site. To file a complaint, the parent or guardian must file a formal report with an appropriate local law enforcement agency. An appropriate law enforcement agency may be one of the following:

A Police or Sheriff’s Department (not including a school district police department or school security department)

A County Probation Department if designated by the county to receive child abuse reports, or

A County Welfare Department/County Child Protective Services.

The complaint may be filed over the telephone, in person, or in writing. A complaint may also be filed at the same time with your school district or county office of education. School districts and county offices of education, however, do not investigate child abuse allegations.

The local law enforcement agency is required to investigate all complaints.

In addition, if the child is disabled and enrolled in special education, a separate complaint may be filed by the parent or guardian with the California Department of Education (CDE) according to Title 5 of the California Code of Regulations Section 4650(a)(7)(C). The CDE does not, however, investigate allegations of child abuse but rather investigates the conditions that may involve immediate physical danger or threaten the health, safety, or welfare of the child or children or which may result in denial of a free and appropriate public education.

If the complaint of child abuse is “substantiated” or confirmed by the local law enforcement agency, meaning that the report of child abuse or neglect, as determined by the law enforcement investigator who conducted the investigation, is, based upon the evidence, more likely to have occurred than not, then a report of the investigation will be transmitted by the law enforcement agency to the governing board of the local school district or County Office of Education. A confirmed report of child abuse or neglect received by a governing board of a school district or County Office of Education will be subject to the provisions of California Education Code section 44031, which gives school employees certain rights regarding personnel information and records.

In addition, a confirmed report shall be forwarded by the law enforcement agency that investigated the complaint to the California Department of Justice according to California Penal Code Section 11169 and notice will be provided to the alleged child abuser that he or she has been reported to the Child Abuse Central Index, as maintained by the Department of Justice.

CODE OF CONDUCT

The following taken from Livingston Union School District's board policy BP4119.21(a):

The Governing Board expects district employees to maintain the highest ethical standards, exhibit professional behavior, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employee conduct should enhance the integrity of the district, advance the goals of the district's educational programs, and contribute to a positive school climate.

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

Inappropriate employee conduct includes, but is not limited to: 1) Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon. 2) Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed. 3) Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child. 4) Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student. 5) Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time. 6) Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members. 7) Willfully disrupting district or school operations by loud or unreasonable noise or other action. 8) Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace or at a school-sponsored activity. 9) Dishonesty with students, parents/guardians, staff, or members of the public, including, but not limited to, falsification of information in employment records or other school records. 10) Divulging confidential information about students, district employees, or district operations to persons not authorized to receive the information. 11) Using district equipment or other district resources for the employee's own commercial purposes or for political activities. 12) Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity. Employees shall be notified that computer files and all electronic communications, including, but not limited to, email voice mail, and district-supported social media are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent. 13) Causing damage to or engaging in theft of property belonging to students, staff, or the district. 14) Wearing inappropriate attire. An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspect's child abuse or neglect shall file a report pursuant to education code. Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate. An employee who has knowledge of but fails to report illegal employee conduct may also be subject to discipline. The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

COMMUNICATION

Parents who wish information about their children or other school-related matters including problems that may arise should first consult with the staff member most directly involved. The order in which inquiries should be made are as follows:

- First:** Teacher
- Second:** Site Principal
- Third:** Kuljinder Sekhon, Assistant Superintendent of Instruction and Pupil Services
Livingston Union School District
922 B Street, Livingston, CA 95334
(209) 394-5431
- Fourth:** Andrés Zamora, Superintendent
Livingston Union School District
922 B Street, Livingston, CA 95334
(209) 394-5400
- Fifth:** President, Board of Education
Livingston Union School District
922 B Street, Livingston CA 95334

Everyone has the right to file a written complaint with the Superintendent. A copy of the Board Policy outlining the complete procedure is available at the District Office.

COMPULSORY FULL-TIME EDUCATION

Each person between the age of six and sixteen is subject to compulsory, full-time education. Those subject to compulsory full-time education and not exempted under the provisions of Chapter 3 shall attend the public full-time day school. Each parent/guardian shall send the pupil to the full-time public school or classes for the full time designated as the length of the school day by the Governing Board of the District in which the parent/guardian resides. Unless otherwise provided for in this Code, a pupil shall not be enrolled for less than the minimum school day established by law. (Ed. Code 48200)

CURRICULUM REVIEW

A prospectus of curriculum, including titles, descriptions, and instructional aims of every course offered by each public school, is available at the school site for your review upon request. (Ed. Code 49063, 49091.14)

DISCIPLINE FOR STUDENTS

Policies and rules on student discipline are included in each school's Parent Handbook that is sent home with each student at the beginning of the school year or provided to parents upon enrolling their child in school. (Ed. Code 35291) Students may be subject to discipline for off-campus misconduct if the misconduct is related to school activity or attendance and causes or is reasonably likely to cause a substantial disruption to school activity. For example, a student using technology such as a home computer, cellular phone, or other electronic device may be disciplined for bullying, engaging in unlawful harassment, or making threats against students, staff, or district property even if such misconduct occurred off-campus and during non-school hours. (Ed. Code, § 48900(r))

DRUG AND TOBACCO FREE SCHOOLS

The Livingston Union School District is charged with providing a safe, secure and peaceful environment which encourages and supports students and staff in their efforts to lead healthy and productive lives. In keeping with this commitment, the use of tobacco products anywhere or anytime on District property is prohibited. The unlawful use, possession or distribution of a controlled substance on District grounds is also prohibited. (Ed. Code 48901)

EQUAL OPPORTUNITIES

Equal opportunity for both sexes is a commitment made by the District to students in all educational programs and activities. Inquiries on all matters including complaints regarding the implementation of Title IX may be referred to Maria Torres-Perez, Director of Categorical Programs and Special Projects, 922 B Street, Livingston, CA 95334, (209) 394-5449. (Title IX of the Education Amendments of 1972)

Sex Equity in Career Planning

Parents shall be notified in advance of career counseling and course selection commencing with course selection I Grade seven, to promote sex equity and allow parents to participate in counseling sessions and decisions. (Ed. Code 221.5 [d])

EVERY STUDENT SUCCEEDS ACT (ESSA)

The Every Student Succeeds Act (ESSA) took full effect in 2018 to replace the No Child Left Behind Act in modifying the Elementary and Secondary Education Act of 1965 (ESEA). If updates are provided by the California Department of Education, the following parent notice requirements may change and new notice requirements may be added.

- Information Regarding Professional Qualifications of Teachers, Paraprofessionals and Aides: Upon request, parents have a right to information regarding the professional qualifications of their student's classroom teachers, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects he/she teaches, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the major or field of discipline for any degrees or certifications held by the teacher, and whether any instructional aides provide services to children and, if so, their qualifications. In addition, parents have a right to notice when the parent's child has been taught for four or more weeks by a teacher who is not highly qualified, ESEA § 1111(h)(6) (as amended by ESSA)
- Information Regarding Individual Student Reports on Statewide Assessments: Upon request parents have a right to information on the level of achievement of their child on every State academic assessment administered to the student ESEA § 1111(h)(6)) (as amended by ESEA)
- Limited English Proficient Students: The Act requires notice be given to parents of limited English proficient students regarding limited English proficiency programs, not later than 30 days after the beginning of the school year (or, for students identified later in the school year, within two weeks). Notice includes: the reason for the identification of students, the need for placement in a language instruction educational program, the student's level of English proficiency, and how such level was assessed, the status of the student's academic achievement, the methods of instruction used in the available programs (including content, instructional goals, and the use of English and native language); how the recommended program will meet the student's educational strengths and needs; how to program will specifically help the student learn English and meet age-appropriate academic achievement standards, the exit requirements for the program; how the program meets the objectives of the student's IEP, if applicable, and parent options for removing a student from a program declining initial enrollment and/or choosing another program. (ESEA § 1112(g)(1)(A) (as amended by ESSA)) In addition, the notice shall include whether the student is a long-term English learner or English learner at risk of becoming a long-term English Learner and the manner in which the program will

meet the needs of a child identified as either a long-term English learner or English learner at risk of becoming a long-term English Learner. (Ed. Code, § 313.2)

The information provided above is available upon request from each student's school or the District Office. Additional notices that may be required shall be sent separately. (20 U.S.C. § 6301 et seq.)

FAMILY EDUCATIONAL RIGHTS PRIVACY ACT

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that the Livingston Union School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Livingston Union School District may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures.

The District does not release information or records concerning a child to non-educational organization or individuals without parent consent except by court order, receipt of a lawfully issued subpoena, or when otherwise allowed by law. The following categories of directory information may be made available to various persons, agencies or institutions unless the parent or guardian notified the District in writing not to release such information:

- Student's name
- Address
- Telephone listing
- Photographs/Videos
- Dates of attendance
- Class Schedule
- Class roster
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- E-mail address
- Diplomas and awards received
- Date and place of birth
- The most recent educational agency or institution attended

The primary purpose of directory information is to allow the Livingston Union School District to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. Directory information will not be released regarding a pupil identified as a homeless child or youth unless a parent, or pupil accorded parental rights, has provided written consent that directory information may be released. (Ed Code 49073(c), 20 U.S.C. 1232g, 42 U.S.C. 11434a(2))

HEALTHY SCHOOLS ACT OF 2000

During the 2019/2020 school year, the Livingston Union School District may use the following pesticides:

<u>Pesticide</u>	<u>Manufacture Name</u>	<u>U.S.E.P.A. #</u>	<u>Active Ingredient</u>
Tempo 20 WP (Ext)	Bayer	3125-396	Cyfluthrin

Suspend SC	AgrEvo	432-763	Deltamethrin
Tempo 20 WP (Int)	Bayer	3125-380	Cyfluthrin
PT 565 Plus	Whitmire Micro-Gen	499-310	Pyrethrins
ULD BP 100	Micro-Gen	11540-9	Pyrethrins
Delta Dust	AgrEvo	432-772	Deltamethrin
Delta Guard Granulars	AgrEvo	432-836	Deltamethrin
Roundup Pro Max	Monsanto	524-579	Glyphosate
Surflan	United Phosphorus, Inc.	70506-44	Oryzalin
ECO-Exempt	Prentiss Inc.	Exempt	Rosemary Oil
Dragnet SFR	FMC Corporation	279-3062	
CY-Kick CS	Whitemire Micro-Gen	499-304	
Phantom	BASF Corp.	241-392	
Termidor	Aventis Environmental	432-901	
Gentrol-Welmark		2724351	Hydroprene
Essentria		Exempt	Exempt
Masterline	Univar, USA	73748-7	
Zylam Liquid		2217-937	Dinotefuran
Mallet 2F T&O		83416-5001-AA	Alkylphenol Ethoxylate, Polysiloxane Polyether Copolymer, Propylene Glycol

Parents/guardians may request prior notice of individual pesticide applications by calling their child's school. Persons who request this notification shall be notified at least seventy-two (72) hours prior to the application, except in emergencies, and will be provided the name and active ingredient(s) of the pesticide as well as the intended date of application. A copy of the integrated pest management plan (IPM plan) for the school district may viewed on the school website: www.livingstonusd.org. If you wish to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation, you can do so at the Department's web-site, www.cdpr.ca.gov. (Ed. Code 17611.5, 17612 and 48908.3)

HOMELESS/FOSTER CARE SITUATIONS FOR CHILDREN

Each local district shall designate a staff person as a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. [Ed Code, 48852.5, 42 USC § 11432(g)(1)(J)(ii)]

A district serving a homeless child must allow the child to continue his/her education in the school of origin through the duration of homelessness at the point of any change or any subsequent change in residence once a child becomes a homeless child. If the child's status changes before the end of the academic year so that he/she is not homeless, the district must allow a child in high school to continue his/her education in the school of origin through graduation. For a child in grades K through 8, the district must allow the formerly homeless child to continue his/her education in the school of origin until the end of the academic school year. A homeless child transitioning between school grade levels must be allowed to continue in the school district of origin in the same attendance area. If a homeless child is transitioning to a middle or high school where the school designated for matriculation is in another school district, the homeless child must be allowed to continue to the school designated for matriculation in that school district. The new school is required to enroll the child immediately regardless of any outstanding fees, fines, textbooks or other items or moneys due to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including medical records, proof of immunization history, and proof of residency. (Ed. Code, § 48852.7)

Each local district shall also designate a staff person as the educational liaison for foster children. The educational liaison shall disseminate a standardized notice to foster children that has been developed by the State Department of Education and includes complaint process information. (Ed. Code, § 48853.5)

The district serving the foster child shall allow the foster child to continue his/her education in the school of origin under specified circumstances. If it is determined that it is in the best interests of the foster child to transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including immunization history. The last school attended must provide all records to the new school within two business days of receiving the request. (Ed. Code, §§ 48853, 48853.5)

The district receiving a transfer request or notification of a student in foster care shall, within two business days, transfer the student out of school and deliver the educational information and records to the next educational placement. Grades and credits will be calculated as of the day the student left school and no lowering of grades will occur as a result of the student's absence due to the decision to change placement or for a verified court appearance or related court activity. (Ed. Code, § 49069.5)

The district shall exempt from local graduation requirements a student who is in foster care, a homeless child or youth, a child of a military family, a former juvenile court school student, a migratory child, or a pupil participating in a newcomer program for recently arrived immigrant pupils and who transfers between schools under certain circumstances. (Ed. Code, §51225.1)

A district shall accept coursework done by a student who is in foster care, a homeless child or youth, a child of a military family, a former juvenile court school student, a migratory child, or a pupil in a newcomer program, while attending another school. The district is prohibited from requiring those students to retake courses or partial courses they have satisfactorily completed elsewhere. (Ed. Code, § 51225.2)

A complaint of noncompliance alleging violations of these sections, except for Education Code section 48852.7, may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

Continued Education Options for Juvenile Court School Students: A Juvenile court school student, or the person holding the right to make educational decisions for the student, may voluntarily defer or decline issuance of their diploma until after the student is released from the juvenile detention facility, thereby allowing the student to take additional coursework at a local education agency. The county office of education will notify the student, the person holding the right to make educational decisions for the student, and the student's social worker or probation officer of all of the following: The student's right to a diploma; How taking coursework and the option to defer or decline the diploma and take additional coursework, (Ed. Code 48645.3(a), 48645.7.

IMMUNIZATIONS

The District shall exclude from school any pupil who has not been immunized properly, unless the pupil is exempted from the immunization requirement pursuant to Health and Safety Code section 120370. The immunization exemption based on personal beliefs has been eliminated. (Health & Saf. Code § 120325). A student who, prior to January 1, 2016, submitted a letter or affidavit on file at the district, stating beliefs opposed to immunization, is permitted to enroll in that institution until the student enrolls in the next grade span. Grade span means: 1) birth to preschool; 2) kindergarten and grades 1 through 6, inclusive, including transitional kindergarten; and 3) grades 7 through 12, inclusive. On or after July 1, 2016, the District shall exclude from school for the first time or deny admittance or deny advancement to any student to the 7th grade unless the student has been immunized for his or her age as required by law. (Health & Saf. Code, §§ 120335). A student may still be exempted from the immunization requirement based on medical condition or circumstances. A parent or guardian must file with the District a statement from a licensed physician saying that the immunization is not considered safe and is not recommended based upon the nature or duration of the medical condition or circumstances, including, but not limited to, the family medical history. (Health & Saf. Code, § 120370)

Immunization for communicable disease may be consented to in writing by a parent or guardian for a licensed physician and surgeon, or health care practitioner acting under the direction of such, to administer. (Ed. Code 48216, 48980(a), 49403) California State law requires children to be immunized against poliomyelitis, red measles (two week), rubella, mumps, diphtheria, pertussis (whooping cough), hepatitis B and tetanus before entering school. A child entering seventh grade is required to have a series of three Hepatitis B immunizations prior to the start of school. (Health and Safety Code 120325, 120335)

All "new" students are required to have current written proof of such immunizations before the first day they attend class. Without immunization documentation, a child will not be admitted to school. Immunizations may be administered by a physician or by the immunization clinic of the Merced County Health Department. The clinic is located at 260 E. 15th Street, Merced. Please call 381-1023 for immunization days and times.

INSTRUCTIONAL PROGRAMS AND PLACEMENT OF STUDENTS

The District implements a number of models in the educational program for students identified as English Learners. All English Learners are placed in a program based upon the provisions of California Education Code Section 300, which states that all English Learners shall be placed in English language classrooms unless a parental exception waiver has been granted for an alternative program. Upon enrollment of their child, parents of English Learners are to be informed of the placement of their child in a Sheltered English Immersion program, the instructional programs available, and the opportunity to apply for a parental exception waiver or request an English Language Mainstream placement. There are three program options for EL Students offered by the District.

English Language Mainstream

The English Language Mainstream Program is designed for English Learners who have reached "reasonable fluency" or whose parents or guardians have requested a mainstream program. An English learner who has reached "reasonable fluency" is a student who has reached the Early Advanced or Advanced level of English proficiency. In an English Language Mainstream Classroom, instruction is delivered in English by a teacher who possesses the CLAD, BCLAD or SB395 Certificate or other commensurate certificate or credential.

- In this program English Learners are placed directly into an all-English class.
- The use of the primary language is not precluded and may be used by teaching personnel. In those cases where the primary language is used by the teaching personnel, it meets the following criteria:
 - Emergency communications related to safety and welfare of students, and
 - Communications with the parents or legal guardians.
- English Learners in this program receive a minimum of 30 minutes of ELD instruction daily, using the district adopted ELD curriculum.
- English Learners are taught using SDAIE methodology and appropriate instructional materials in order to recoup any academic deficits, which may have been incurred in the core curriculum as a result of language differences.
- English Learners in this program participate in activities that promote a positive self-image and cross-cultural understanding.

Sheltered English Immersion

The Sheltered English Immersion Program is designed for students who have "less than reasonable fluency" and whose parents or guardians have not requested a waiver for an alternative program. An English learner who has reached reasonable fluency is a student who is at the Beginning, Early Intermediate or Intermediate level of English proficiency. In the Sheltered English Immersion Program, instruction is delivered by a teacher who possesses the CLAD, BCLAD or SB395 Certificate or other commensurate certificate or credential.

- English Learners identified as Beginning, Early Intermediate, Intermediate and Early Advanced receive sheltered English instruction.
- In a Sheltered English Immersion classroom, English Learners are taught “overwhelmingly,” but not “exclusively,” in English.
- The use of the primary language is not precluded and is used by teaching personnel to facilitate access to the core curriculum. In those cases where the primary language is used by the teaching personnel, it meets the following criteria:
 - Clarification of a word, concept or idea,
 - Explanation of directions or instructions pertinent to a specific task,
 - Emergency communications related to safety and welfare of students, or
 - Communications with the parents or legal guardians.

The basis for allowing primary language support can be interpreted from the California State Board of Education’s regulations which states “school districts shall continue to provide additional and appropriate educational services to English Learners in kindergarten through grade 12 for the purpose of overcoming language barriers...”

- English Learners in this program receive a minimum of 30 minutes of ELD instruction daily, using the district adopted ELD curriculum.
- English Learners in this program participate in activities that promote a positive self-image and cross-cultural understanding.

Dual Language Academy Program

Dual Language Academy Program is a program option designed as an enriched educational approach in which equal numbers of English-dominant and Spanish-dominant speakers are integrated for at least half of the school day for the purpose of providing literacy instruction in the two languages. Providing students and parents who value bilingualism and cultural diversity an enriched educational option, providing students the opportunity to graduate from eighth grade fluent and literate in two languages is the vision guiding the Dual Language Immersion program in the Livingston Union School District.

Language learning is natural for young children. It challenges mental development and prepares students for diversity. Students in the Dual Language Academy will develop fluency and literacy in two languages—Spanish and English; achieve proficiency in all academic subjects, meeting or exceeding district guidelines; cultivate an understanding and appreciation of other cultures; and, develop positive attitudes toward fellow students, their families and their community.

Dual Language Immersion Programs have been proven among the most effective in the United States, graduating students with both grade-level academic ability and proficiency in two languages. Research shows that students who participate in Dual Language Immersion programs perform at or above-grade level on district and state tests as well as achieve advanced levels of proficiency in two languages. In addition, graduates from these programs have a head start on language requirements for college and enhanced employment opportunities.

The Dual Language Academy is open to students in the Livingston Union School District, as well as students from outside the district when space is available. Participation in the program is voluntary. Parents agree to a five-year commitment to the program.

In the Dual Language Immersion program, instruction is delivered by a teacher who possesses a CLAD, BCLAD, Bilingual Certificate of Competence, or Bilingual Cross-Cultural Specialist Credential.

Middle School Program Design

Special grouping considerations are made for EL students in grades 7th and 8th. The English language level of all EL students is determined and class assignments made as follows:

- Students performing at “Beginning,” “Early Intermediate” and “Intermediate” levels of English language development are grouped together in the core classes of Language Arts, Science, and History/Social Science. Sheltered instructional strategies and appropriate instructional materials are employed by teachers with the students in this cluster to make the content more comprehensible and accessible. Bilingual teachers and instructional assistants utilize the primary language to facilitate access to the core curriculum.
- Students performing at “Early Advanced,” “Advanced” and “Reclassified” levels of English proficiency are grouped together in the core classes of Language Arts, Science, and History/Social Science. Teaching personnel utilize SDAIE strategies in order to increase students’ access to the core curriculum.
- The clustering designations are not based upon academic proficiency but are based upon English language proficiency.
- The course content and standards are the same in both clusters; however, the instructional methodology differs in order to make content more comprehensible to English Learners with less than reasonable English language proficiency.
- The groupings are flexible and, as students reach higher levels of English language proficiency, they are moved into other clusters.

INTERNET USE

The District has actively pursued making advanced technology and increased access to learning opportunities available to students and staff. By connecting schools to the Internet, the District plans to promote innovation and educational excellence and provide information resources for students, staff and community to create intellectual projects, collaborate, and communicate. With this learning tool, students and staff will be asked to sign a "contract" stating they will conduct themselves in a responsible, decent, ethical, and polite manner while using the Network. Failure to abide by these rules will result in disciplinary actions. The District reserves the right to monitor all traffic on the Network.

KNOW YOUR EDUCATIONAL RIGHTS – IMMIGRATION ENFORCEMENT

The following information is from the California Attorney General:

Your Child has the Right to a Free Public Education

All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the students’ parents or guardians.

In California all children have the right to a free public education, all children ages 6 to 18 years must be enrolled in school, all students and staff have the right to attend safe, secure, and peaceful schools, all students have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation, all students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

Information Required for School Enrollment

When enrolling a child, schools must accept a variety of documents from the student’s parent or guardian to demonstrate proof of child’s age or residency. You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

Confidentiality of Personal Information

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

Family Safety Plans if You Are Detained or Deported

You have the option to provide your child’s school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported. You have the option to complete a Caregiver’s Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

Right to File a Complaint

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

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

Bureau of Children’s Justice, California Attorney General’s Office, P.O. Box 944255, Sacramento, CA 94244-2550, Phone: (800) 952-5225, E-mail: BCJ@doj.ca.gov, <https://oag.ca.gov/bcj/complaint> The Attorney General’s publications can be downloaded at: <https://www.oag.ca.gov/bcj>

MEDICAL COVERAGE & SERVICES FOR STUDENTS

Medical Coverage for Injuries

Medical and hospital services for pupils injured at school or school-sponsored events, or while being transported, may be insured at parent’s expense. No pupil shall be compelled to accept such services without his or her consent or, if the pupil is a minor, without the consent of a parent or guardian. (Ed. Code, § 49472)

Medical and Hospital Services Not Provided

The District does not provide medical and hospital services for students injured while participating in athletic activities. However, all students of school athletic teams must have accidental injury insurance that covers medical and hospital expenses. (Ed. Code, §§ 32221.5, 49471)

Low-cost accident insurance is available to students through a private insurance carrier on a voluntary basis. Some students may also qualify to enroll in no-cost or low-cost local, state, or federally sponsored health insurance programs. Information about these programs may be obtained by calling 1-800-880-5305. (Ed. Code, §§ 32221.5, 49471)

MEDICAL EMERGENCIES

In the event there is a medical emergency with your child and an ambulance is required to transport the child, it is the parent’s responsibility to pay the cost of the ambulance.

MEDICAL SERVICES THAT ARE CONFIDENTIAL

For students in seventh and eighth grades, the District may release a student for the purpose of obtaining confidential medical services without obtaining the consent of the student's parent or guardian. (Ed. Code 46010.1)

MEDICATION ADMINISTRATION

Medication prescribed by a physician for a child may be administered during the school day by a registered nurse or other designated school personnel, or self-administered by the child if the medication is prescription auto-injectable epinephrine or prescription inhaled asthma medication, but only if the parent consents in writing and provides detailed written instructions from a physician, or a physician assistant as specified by law. Forms for administering medication may be obtained from the school secretary. (Ed. Codes 49403, 49480, 49423, and 49423.1)

MEDICATION USE NOTIFICATION

Parents are to notify the principal if their child is on continuing medication. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the principal or school nurse may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate. (Ed. Code 49480)

MINIMUM/EARLY RELEASE DAY SCHEDULE

Teacher Collaboration/Professional Development-August.....	August 21, 2019
Teacher Collaboration/Professional Development-September	September 11, 2019
Teacher Collaboration/Professional Development-October	October 9, 2019
Fall Parent/Teacher Conferences Week.....	October 14 – 18, 2019
Teacher Collaboration/Professional Development-November	November 13, 2019
Thanksgiving Recess.....	November 22, 2019
Teacher Collaboration/Professional Development-December.....	December 11, 2019
Winter Recess.....	December 20, 2019
Teacher Collaboration/Professional Development-January.....	January 22, 2020
Teacher Collaboration/Professional Development-February.....	February 12, 2020
Spring Parent/Teacher Conferences Week	March 2 - 6, 2020
Teacher Collaboration/Professional Development-March.....	March 11, 2020
Teacher Collaboration/Professional Development-April.....	April 8, 2020
Spring Recess.....	April 9, 2020
Teacher Collaboration/Professional Development-May.....	May 13, 2020
Last Day of School	June 3, 2020

NUTRITION PROGRAM

The State Department of Education has established a statewide program to provide nutritious meals and milk at school for pupils. At Livingston Union School District all students receive a free breakfast and lunch. (Ed. Code 49510 et. Seq.)



PARENT INVOLVEMENT POLICY FOR TITLE I SCHOOL PARENTS

The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that continued parental involvement in the education of children contributes greatly to student achievement and a positive school environment. In order to engage parents/guardians positively in their children's education, the Superintendent or designee shall:

- Involve parents/guardians of participating students in the joint development of the Title I Local Educational Agency (LEA) plan pursuant to 20 USC 6312 and the process of school review and improvement pursuant to 20 USC 6316.
- Provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance.
- Build the capacity of schools and parents/guardians for strong parent involvement.
- Conduct, with involvement of parents/guardians, an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the schools served by Title I.

At each school receiving Title I funds, a written policy on parent involvement shall be developed jointly with and agreed upon by parents/guardians of participating students. Such policy shall describe the means by which the school will:

- Convene an annual meeting.
- Offer a flexible number of meetings related to parent involvement.
- Involve parents/guardians in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs.
- Provide parents/guardians timely information about Title I programs, a description and explanation of the school's curriculum and assessments, and, as appropriate, provide opportunities for parents to participate in decisions related to their children's education.
- If the school wide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the district.
- Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff, and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards.
- Build the capacity of the school and parents/guardians for strong parent involvement by implementing the activities described in items above.
- To the extent practicable, provide full opportunities for the participation of parents/guardians with limited English proficiency, parents/guardians with disabilities, and parents/guardians of migrant children, including providing information and school reports required under 20 USC 6311(h) in a format and language such parents/guardians can understand.

PE INSTRUCTIONAL MINUTES

The adopted course of study for grades 1 through 6 and instruction in grades 1 through 8 in an elementary school must include physical education for not less than 200 minutes each ten school days, exclusive of recesses and the lunch period. (Ed. Code, §§ 51210, 51223)

A complaint of noncompliance may be filed under the District’s Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

PHOTOS/VIDEOS AT SCHOOL

During the school year, photographs and/or videos are made to highlight programs offered in our schools. Parents who do not want their children included in a publicity photo or video, must contact their children's school office to complete a written notice.

PHYSICAL EXAMS AND TESTING

The District is required to conduct certain physical examinations and vision, hearing and scoliosis testing of students unless the parent has a current written objection on file. Additionally a child may be sent home if he or she is believed to be suffering from a recognized contagious or infectious disease. (Ed. Codes §§ 49451, 49452, 49452.5, 49455, Health & Saf. Code 124085)

First Grade Physical

The California Health and Safety Code requires the Governing Board of a school district to exclude from enrollment any first grade student who does not have proof of a Child Health and Disability Prevention physical examination taken 18 months prior to enrollment in first grade. The District is requiring this verification as a part of the yearly kindergarten registration. This physical examination may be obtained from a doctor or from the Merced County Health Department. A child will be assigned to a classroom only after a certificate is presented to the school office verifying that the physical examination has been done. A parental waiver may be accepted under special circumstances. For more information please contact the school nurse at any of the school sites.

Student Vision Screening

In accordance with the California Education Code 49455, student vision screening will be provided at school entry TK/K, 2, 5, and 8th grades and to all students enrolled in special education as required for their Individual Education Plan (IEP). Additionally, vision screening may be provided to any student who exhibits signs and symptoms of eye or vision problems. Parents may opt their child out of any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, including hearing or vision screenings, or any physical exam or screening permitted or required under State law. Parents have the right to have their child’s vision tested outside of school (at the parent’s expense), California Ed Code 49455, to meet the State law requirement.

PREGNANT AND PARENTING PUPILS

Pregnant and Parenting Pupils: All schools are required to provide parents and guardians with annual written notice of pregnant and parenting pupils. (Ed. Code, § 222.5) Pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. “Pregnant or parenting pupil” means a pupil who gives or expects to give birth or a parenting pupil who has not given birth and who identifies as the parent of the infant. A pregnant or parenting pupil is entitled to, but not required to take, eight weeks of parental leave. This leave may be taken before the birth of the pupil’s infant if there is a medical necessity and/or after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. A pregnant or parenting pupil is entitled to additional leave if deemed medically necessary by the student’s physician. (Ed. Code, §§ 46015) The person holding the student’s educational rights (i.e. the pupil if over 18 or the parent if under 18) may notify the school of the student’s intent to exercise this right. Leave may still be taken even if notice was not provided. During the leave, the student’s absences shall be deemed excused, but the student shall not be required to complete academic work or other school requirements. A pregnant or parenting pupil may return to the school and the course of study in which he or she was enrolled before taking parental leave. Upon return to school after taking parental leave, a pregnant or parenting pupil is entitled to opportunities to make up work

missed during his or her leave, including, but not limited to, makeup work plans and reenrollment in courses. A pregnant or parenting pupil may remain enrolled for an additional year of instruction in the school in which the pupil was previously enrolled when it is necessary in order for the pupil to be able to complete state and any local graduation requirements, unless the local educational agency makes a finding that the pupil is reasonably able to complete the local educational agency's graduation requirements in time to graduate from school. A student who chooses not to return to the school in which he or she was enrolled before taking the leave is entitled to alternative education options offered by the local educational agency to include educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program. A student will not incur any academic penalties as a result of using the accommodations in this section. (Ed. Code, § 46015) A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

PUPIL FEES

A pupil enrolled in a public school must not be required to pay a pupil fee for participation in an educational activity. (Ed Code, § 49011)

The following requirements apply to prohibited pupil fees: (1) All supplies, materials, and equipment needed to participate in educational activities must be provided to pupils free of charge. (2) A fee waiver policy shall not make a pupil fee permissible. (3) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide. (4) A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.

Solicitation of voluntary donations of funds or property and voluntary participation in fundraising activities are not prohibited. School districts, schools, and other entities are not prohibited from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. (Ed Code § 49010 et seq.)

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, 49013)

SAFE SCHOOL PROCEDURES

In an effort to keep the schools free of drugs, alcohol, weapons, explosive devices, and other contraband the District may use specially trained detection dogs to sniff out/alert staff to the presence of items prohibited by law or District policy. Also, to deter misconduct and help ensure the safety of students and staff, video cameras may be used at the school sites and on school buses.

SCHOOL ACCOUNTABILITY REPORT CARD

Parents/guardians may request from the school sites the School Accountability Report Card (SARC) which is issued annually for each school of the District. These reports are also available on the District's web site at www.livingstonusd.org. (Ed. Code 35256)

SEX EDUCATION OR FAMILY LIFE EDUCATION

Sex Education or Family Life Education are courses that describe, illustrate, or discuss the reproductive organs and their functions. Parents or guardians have the right to inspect and review pertinent written or audio/visual materials before the scheduling of this course. Notification will be sent home prior to the course being offered. Parental/Guardian permission is required before children are given this instruction in grades four through

eight. This section does not apply to words or pictures in any science, hygiene, or health textbook. Sexually transmitted diseases are included as part of the curriculum for seventh and eighth grades. (Ed. Code 51550)

Parents or guardians shall be notified in writing if the District plans to administer an anonymous, voluntary and confidential test, questionnaire or survey containing age-appropriate questions about the pupils' attitudes concerning or practices related to sex in grades 7 & 8 and given the opportunity to review the test, questionnaire or survey. A Parent or guardian has the right to excuse their child from the test, questionnaire, or survey by stating their request in writing. (Ed. Code, § 51938)

Upon written request of parent or guardian, a pupil may be excused from any part of instruction in health, family life, or sex education which conflicts with the parent(s), guardian(s) religious training or beliefs, including personal moral convictions. (Ed. Codes § 51240)

HIV/AIDS Prevention Education

Parents or guardians may request in writing that their child not receive all or part of comprehensive sexual health education or HIV/AIDS prevention education. Parents or guardians may inspect the written and audio visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents or guardians have a right to request that the District provide them with a copy of the California Healthy Youth Act (Ed Code section 51930et.seq).

Every child's parent or guardian will be notified prior to the commencement of any comprehensive sexual health education and HIV/AIDS prevention education instruction as to the date of such instruction and whether the instruction will be taught by District personnel or by outside consultants. If outside consultants are used, the name of the organization of each guest speaker will be identified.

SEXUAL HARASSMENT

District policy prohibits any form of sexual harassment of a student whether verbal, physical, or environmental. At the informal level, complaints may be reported to a teacher, associate principal, or principal. At the formal level, written complaints may be filed at the Office of the Superintendent. A copy of the District's sexual harassment policy is attached. (Ed. Code 48980[g] and 231.5)

STUDENT PARENT LACTATION ACCOMMODATIONS

The District is required to provide reasonable accommodations to a lactating student on a school campus to address breast-feeding needs. (Ed. Code, § 222). A student may not be penalized academically because of the reasonable accommodations provided during the school day. A student must also be given the opportunity to make up missed work. A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

STUDENT RECORD INSPECTION

State law requires that parents be notified of certain rights, which pertain to student records. (Ed. Code 49063, 49069.34CFR 99.7) A parent or guardian has the right to inspect and review student records relating directly to his/her child during school hours or obtain a copy of such records within five (5) days of his/her request. A parent who wishes to review the types of student records and information contained therein may contact the principal at his/her child's school. A parent with legal custody has a right to challenge information contained in his/her child's records. Any determination to expunge a student's record is made after a review of said record(s) by site administrators and certificated staff. Following an inspection and review of student records, the parent may challenge the content of the student's record.

A parent may file a written request with the Superintendent to remove any information recorded in the written records concerning the child, which is alleged to be inaccurate, an unsubstantiated personal conclusion or

inference, a conclusion or inference outside of the observer’s area of competence, not based on the personal observation of a named person with the time and place of the observation noted, misleading, and in violation of the privacy or other rights of the pupil.

Within thirty (30) days, the Superintendent or designee shall meet with the parent/guardian and the certificated employee who recorded the information, if any, and if the person is still employed with the District. If the allegations are sustained, the Superintendent shall order the correction, removal or destruction of the information. If the allegations are denied, the parent may appeal the decision to the Governing Board within thirty (30) days. The Board shall determine whether or not to sustain or deny the allegations. (Ed. Code 49070)

If the final decision of the Board is unfavorable to the parent, or if the parent accepts an unfavorable decision by the Superintendent, the parent shall have the right to submit a written statement of objections to the information. This statement shall become a part of the student’s school record until such time as the information objected to, is removed.

A *Student Records Log* is maintained for each student. The *Student Records Log* lists persons, agencies or organizations requesting and/or receiving information from the records to the extent required by law and are located at each school for inspection by parents or guardians. (Ed. Code 49064)

School officials and employees having a legitimate educational interest, as well as persons identified in Education Code sections 49076 and 49076.5 and in the Family Educational Rights and Privacy Act, may access student records without first obtaining parental consent. “School officials and employees” are persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel), a Board member, a person or company with whom the District has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist), or a parent, student, foster family agency, short-term residential treatment staff, or caregiver whose access to student records is legally authorized. A “legitimate educational interest” is one held by a school officer or employee whose duties and responsibilities create a reasonable need for access. (Ed. Codes 49063(d), 49076, 49076.5, 20 U.S.C. 1232g)

Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others. Parents also have a right to file a complaint with the U.S. Department of Education for alleged violations of parent rights related to student records. (20 U.S.C. 1232(g))

STUDENTS WITH EXCEPTIONAL NEEDS OR A DISABILITY

Students with special needs who are eligible to receive educational instruction or related services will receive this instruction service at no cost. The Livingston Union School District's Special Education Program serves students with special physical, communicative, emotional, or learning needs. Students are identified through an assessment process and receive individually tailored educational programs. Special Education promotes maximum interaction between special needs students and non-special needs students in a way appropriate to the needs of both. The program also provides options to meet students' education needs in the least restrictive environment. Students are grouped for instructional purposes according to their instructional needs. (Ed. Codes 56031; 56040) Students for whom a special education placement is unavailable or inappropriate may be eligible for other special services. For specific information, please contact Allison Smith, Special Education Coordinator, at 394-5428.

Child Find System—Policies and Procedures

Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the Director of Educational Services, or his/her designee. Policy and procedures shall include written notification to all parents of their rights pursuant to EC 56300. (Ed. Code 56301;34; CFR 104.32[b])

Complaints Special Education

Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services. Parents may submit a description of the manner in which the parent believes special education programs for handicapped do not comply with state or federal law or regulations and file with the Superintendent.

SURVEY NOTIFICATION

LEAs must obtain prior written consent from parents before students are required to submit to a survey that reveals information in the eight protected areas listed below if the survey is funded by Federal funds:

1. Political affiliations or beliefs of the student or the student's parent;
2. Mental or psychological problems of the student or the student's family;
3. Sexual behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisal of other individuals with whom respondents have close family relationships;
6. Legally recognized, privileged, or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents also have the right to review, upon request, any survey that concerns one or more of the eight protected areas, and any instructional material used as part of the educational curriculum for students.

TEMPORARY DISABILITIES

A temporary disability that makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil's parent or guardian to notify the school district in which the pupil is deemed to reside of the pupil's need for individualized instruction.

Home Instruction: The district in which the student resides is to provide individual instruction if the student is receiving the instruction in his or her home. Individual instruction in a pupil's home pursuant to section 48206.3 shall commence no later than five working days after a school district has determined that the pupil shall receive this instruction.

Hospital or Health Facility Instruction: The school district in which the hospital or other residential health facility, excluding a state hospital, is located must provide individual instruction to a student with a temporary disability. Within five working days of receipt of the notification, the district must determine whether the pupil will be able to receive individual instruction, and, if so, when the individual instruction will begin. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student's school district of residence shall be deemed to comply with the residency requirements of the school district in which the hospital is located. A school district may continue to enroll a pupil with a temporary disability who is receiving individual instruction in a hospital or residential health facility to facilitate the timely reentry of the pupil after the hospitalization has ended, or in order to provide a partial week of instruction. On days in which the student is not receiving individual instruction in a hospital or other residential health facility, he or she may attend school in his or her district of residence if well enough to do so. A pupil receiving individual instruction who is well enough to return to a school shall be allowed to return to the school, including a charter school, that he or she attended immediately before receiving individual instruction, if returning during the same school year. (Ed. Code, §§ 48206.3, 48207, 48207.3, 48207.5, 48208, 48980(b))

Pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom shall be treated in the same manner and under the same policies as any other temporary disabling condition. (Ed. Code, § 221.51)

TRANSITIONAL KINDERGARTEN

The district may admit a child, who will have his/her fifth birthday after December 2, to a transitional kindergarten at the beginning of or at any time during the school year with parental/guardian approval provided that space is available in an existing transitional kindergarten classroom and that the Superintendent or designee recommends that enrollment in the TK program is in the child's best interest. The parent/guardian shall be given information on the advantages and disadvantages and any other explanatory information on the effects of early admittance. (Ed. Code, § 48000)

UNIFORM COMPLAINT PROCEDURES

Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying

State and federal law prohibit discrimination in education programs and activities. The District is primarily responsible for compliance with federal and state laws and regulations. (Cal. Code Regs., tit. 5 § 4620.) Under state law, all pupils have the right to attend classes on school campuses that are safe, secure, and peaceful. (Ed Code § 32261.) State law requires school districts to afford all pupils equal rights and opportunities in education, regardless of their actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth, actual or potential parental, family, or marital status, pregnancy (including childbirth, false pregnancy, termination of pregnancy, or recovery therefrom) nationality (includes citizenship, country of origin and national origin), immigration status, race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of such these actual or perceived characteristics. (Ed. Code, §§ 210-214, 220 et seq., 234 et seq., Cal. Code Regs., tit. 5, § 4900 et seq., 20 U.S.C. § 1681 et seq., 29 U.S.C. § 794, 42 U.S.C. § 2000d et seq., 42 U.S.C. § 12101 et seq., 34 C.F.R. § 106.9) The District prohibits discrimination, harassment, intimidation, bullying, and retaliation in all acts related to school activity or attendance. In addition to being the subject of a complaint, a pupil engaging in an act of bullying as defined by Education Code section 48900(r) may be suspended from school or recommended for expulsion.

The District's Uniform Complaint Procedure which may be used in cases where individuals or a group have suffered discrimination harassment, intimidation, or bullying. (Cal. Code Regs., tit. 5, §§ 4610, 4630, 4650, Ed. Code, § 234 et seq., 48900(r))

Any individual, public agency, or organization has the right to file a written complaint alleging that he/she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (C.C.R., tit.5, § 4630(b)(1))

Copies of the District's complaint procedures are available free of charge. (5 C. C. R., § 4622)

Complaints must be filed with the superintendent/designee of the District.

Discrimination complaints must be filed within six (6) months of the date the alleged discrimination occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged discrimination. Within that six (6) month period, complainant may file a written request with the district superintendent or designee for an extension of up to ninety (90) days following the six (6) month time period. Extensions will not be automatically granted, but may be granted for good cause. (5 C.C.R. 4630(b))

Complaints Other Than Discrimination, Harassment, Intimidation, and Bullying

The District has a written complaint procedure that may be used in cases where any individual, public agency or organization alleges violations of state or federal law, other than those relating to discrimination, harassment, intimidation, and bullying.

Written complaints may be made regarding: Adult Education; After School Education and Safety; American Indian Educational Centers and American Indian Early Childhood Education; Bilingual Education; California Peer Assistance and Review Programs for Teachers; Consolidated Categorical Aid Programs; Migrant Child Education Programs, Every Student Succeeds Act (formerly No Child Left Behind); Career Technical and Technical Education and Technical Training Programs; Child Care and Development; Child Nutrition; Compensatory Education; Consolidated Categorical Aid; Economic Impact Aid, Special Education; “Williams Complaints”; Pupil Fees; Instructional Minutes for Physical Education; Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP); Pregnant and Parenting Pupils; including parental leave; Student Parent Lactation Accommodations; Course Assignments already completed or without educational content; Physical Education Instructional Minutes; Foster Youth Homeless Youth, former Juvenile Court School Student Services; Migrant Youth; and Pupils of Military Families; Continued Education Options for Former Juvenile Court School Students; School Safety Plans; School Plans for Student Achievement (SPSA); Tobacco-Use Prevention Education; Health and Safety in a California State Preschool Program; Any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code section 64000; Any other educational programs the Superintendent deems appropriate. (Cal. Code Regs., tit. 5, §§ 4610(b), 4622, 4630, Ed. Code, §§ 222, 4845.7, 8200-8498, 8500-8538, 32289, 33315, 33380-33384, 35186, 41500-41513, 46015, 47606.5, 47607.3, 48853.5, 49013, 49069.5, 49490-49590, 49701, 51210, 51223, 51225.1, 51225.2, 51226-51226.1, 51228.1, 51228.2, 51228.3, 52060-52075, 52160-52178, 52300-52490, 52334.7, 52500-52616.24, 52800-52870, 54000-54029, 54400-54425, 54440-54445, 54460-54529, 56000-56867, 59000-59300, and 64001, 20 U.S.C. §§ 1400, 4600, 6601, 6801, 7101, 7201, 7301 et. seq., Health and Saf. Code, §§ 1596.792, 1596.7925, 104420)

Any individual, public agency or organization has the right to file a written complaint alleging that the District has violated a federal or state law or regulation governing any program listed above. (Cal. Code Regs., tit. 5, § 4630(b)(1))

Copies of the District’s complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)

Complaints must be filed with the superintendent or designee of the District under the timelines established by District policy. (Cal. Code Regs., tit.5, 4630(b))

Within 60 days from the date of receipt of the complaint, the District’s responsible officer or his/her designee shall conduct and complete an investigation of the complaint in accordance with local procedures adopted pursuant to California Code of Regulations, title 5, section § 4621 and prepare a written decision. The time period may be extended by mutual written agreement of the parties.

Williams Complaints: Complaints, including anonymous complaints, may be made and addressed on a shortened time line for the following areas: (Ed. Code, § 8235.5, 35186)

Insufficient textbooks and instructional materials; Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils; Noncompliance with the requirement of Education Code section 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products; Teacher vacancy or misassignment, or Noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code section 1596.7925 and related state regulations.

A complaint of noncompliance with Education Code section 35186 may be filed with the school principal or designee under the Uniform Complaint Procedures. A complainant not satisfied with the resolution of a Williams Complaint has the right to bring the complaint to the district governing board at a regularly scheduled hearing. In the case of a complaint regarding emergency or urgent school facilities conditions, a complainant has the right of appeal to the State Superintendent of Public Instruction.

Pupil Fees Complaints: A pupil enrolled in our district shall not be required to pay a pupil fee for participation in an educational activity, including curricular and extracurricular activities. A pupil fee includes, but is not

limited to, all of the following: a fee charged to a pupil as a condition for registering for school or classes, as a condition for participation in a class or an extracurricular activity, as a security deposit to obtain materials or equipment, or a purchase that a pupil is required to make to obtain materials or equipment for an educational activity. A complaint of noncompliance with Education Code section 49010 et seq. may be filed with the school principal under the Uniform Complaint Procedures. A complaint shall be filed not later than one calendar year from the date the alleged violation occurred. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. Foster, homeless, former juvenile court pupils and pupils in military families: the District will post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families as specified in Education Code sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

Responsible District Official to Process Complaints: Livingston Union School District Superintendent, 922 B Street, Livingston, CA 95334.

Complaints Made Directly to the State Superintendent:

In the following cases, complaints may be filed directly with the State Superintendent of Public Instruction.

1. Complaints alleging that the District failed to comply with the complaint procedures described herein, including failure or refusal to cooperate with the investigation.
2. Complaints regarding Child Development and Child Nutrition programs not administered by the District.
3. Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at District level.
4. Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.
5. Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
6. Complaints alleging immediate and irreparable harm as a result of applying a district-wide policy in conflict with state or federal law and that complaining at the local level would be futile.
7. Complaints relating to Special Education, but only if the District unlawfully refuses to provide a free appropriate public education to handicapped students; or the District refuses to comply with due process procedures or fails to implement due process hearing order; or children may be in immediate physical danger, or their health, safety or welfare is threatened; or a handicapped pupil is not receiving the services specified in his/her Individual Educational Program (IEP); or the complaint involves a violation of federal law.
8. The District refuses to respond to the State Superintendent's request for information regarding a complaint originally filed with the District.

(Cal. Code Regs., tit. 5 4630, 4650)

Appeals except for Williams Complaints:

A complainant may appeal the District's decision to the California Department of Education. (Ed. Code 262.3(a), 5 C.C.R.4632)

Appeals must be filed within fifteen (15) days of receiving the District's decision. Appeals must be in writing, specify the reason(s) for appealing the District's decision including whether the facts are incorrect and/or the law has been misapplied, and must include a copy of the original complaint and a copy of the District's decision.

Pupil fee complaints appealed to the California Department of Education will receive a written appeal decision within 60 days of the department's receipt of the appeal.

If the school/District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/District must provide a remedy to all affected pupils, parents, and guardians. For pupil fee complaints, this includes reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

If a complaint is denied in full or in part by the Department of Education, the complainant may request reconsideration by the State Superintendent of Public Instruction. (5 C.C.R. 4665) Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report. The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

Civil Law Remedies

In addition to the above-described complaint procedure, or upon completion of that procedure, complainants may have civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. Delay in pursuing civil law remedies before a court of law may result in loss of rights to these remedies. Any questions regarding civil law remedies should be directed to an attorney. (Ed. Code 262.3(b), 5 C.C.R. 4622)

SEXUAL HARASSMENT

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The District strongly condemns, opposes, and prohibits sexual harassment of students whether verbal, physical, or environmental, by anyone in or from the District. Any student who engages in sexual harassment of anyone in or from the District may be subject to discipline, up to and including expulsion.

Any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity shall immediately contact his/her teacher, the principal, or any other available school employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

(cf. 1312.3 - Uniform Complaint Procedures)

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-8, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

(cf. 4117.4 - Dismissal)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action) (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Confidentiality and Record-Keeping

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

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

(cf. 3580 - District Records)

SEXUAL HARASSMENT (continued)

BP 5145.7(b)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*
48900 *Grounds for suspension or expulsion*
48900.2 *Additional grounds for suspension or expulsion; sexual harassment*
48904 *Liability of parent/guardian for willful student misconduct*
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*

GOVERNMENT CODE

12950.1 *Sexual harassment training*

CODE OF REGULATIONS, TITLE 5

4600-4687 *Uniform complaint procedures*

4900-4965 *Nondiscrimination in elementary and secondary education programs* UNITED STATES CODE, TITLE 20

1221 *Application of laws*

1232g *Family Educational Rights and Privacy Act* 1681-1688 *Title IX, discrimination*

UNITED STATES CODE, TITLE 42

1983 *Civil action for deprivation of rights*
2000d-2000d-7 *Title VI, Civil Rights Act of 1964*

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy*

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

COURT DECISIONS

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

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

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

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

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

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

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

Management Resources:

CSBA PUBLICATIONS

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

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

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

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

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

WEB SITES

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

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

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

Policy

adopted: May 11, 1993

revised: January 17, 2013

revised: December 17, 2015

LIVINGSTON UNION SCHOOL DISTRICT

Livingston, California

SEXUAL HARASSMENT

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Superintendent
922 B Street
Livingston, CA 95334
(209) 394-5400
azamora@livingstonusd.org

(cf. 1312.3 - Uniform Complaint Procedures)

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

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

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

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

SEXUAL HARASSMENT (continued)**Obligations of All Employees**

All employees shall report to their immediate supervisor any sexual harassment by or of students. Employees shall take appropriate action to stop any sexual harassment of students, including discipline of students involved and notification of the incident(s) to the appropriate site administrator.

All employees shall cooperate with any investigation of an alleged act of sexual discrimination/harassment conducted by the District or any appropriate State or Federal Agency.

No employee of the District shall take any action to discourage a victim of harassment from reporting such an instance.

School-Level Complaint Process/Grievance Procedure

Complaints of sexual harassment, or any behavior prohibited by the district's Nondiscrimination/Harassment policy - BP 5145.3, shall be handled in accordance with the following procedure:

1. **Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the site administrator. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the site administrator, whether or not the victim files a complaint.

In any case of sexual harassment involving the site administrator to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

2. **Initiation of Investigation:** The site administrator shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the site administrator receives an anonymous complaint or media report about alleged sexual harassment, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

3. **Initial Interview with Student:** When a student or parent/guardian has complained or provided information about sexual harassment, the site administrator shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.
4. **Investigation Process:** The site administrator shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The site administrator shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The site administrator may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

SEXUAL HARASSMENT (continued)

When necessary to carry out his/her investigation or to protect student safety, the site administrator also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and district legal counsel or the district's risk manager.

5. **Interim Measures:** The site administrator shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.
6. **Optional Mediation:** In cases of student-on-student harassment, when the student who complained and the alleged harasser so agree, the site administrator may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.
7. **Factors in Reaching a Determination:** In reaching a decision about the complaint, the site administrator may take into account:
 - a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of any past instances of harassment by the alleged harasser
 - e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the site administrator may take into consideration:

- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them
 - d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different students
8. **Written Report on Findings and Follow-Up:** No more than 30 days after receiving the complaint, the site administrator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the site administrator shall notify the student and/or parent/guardian who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

In addition, the site administrator shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The site administrator shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

SEXUAL HARASSMENT (continued)**Enforcement of District Policy**

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

1. Removing vulgar or offending graffiti
2. Disseminating and/or summarizing the district's policy and regulation regarding sexual harassment
3. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community
4. Taking appropriate disciplinary action

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites (Education Code 231.5)

(cf. 1113 - District and School Web Sites)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
5. Be included in the student handbook

Regulation
approved: January 17, 2013
revised: December 17, 2015

LIVINGSTON UNION SCHOOL DISTRICT
Livingston, California

GOVERNING BOARD MEMBERS

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Yolanda Correia, Trustee



Anne Land, Trustee
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Sara Crawley, Director of Fiscal Services	394-5422
Nicholas Jones, Director of MOT and Facilities	394-5405
Rebecca Jameson, Director of Food Services.....	394-5457

PUPIL SUPPORT SERVICES

Allison Smith, School Psychologist, Selma Herndon and Livingston Middle School	394-5428
Jorge Belmonte, School Psychologist, Campus Park and Yamato Colony	394-5467
Kara Mazzola, Mental Health School Psychologist, District.....	394-5428
Alma Lopez, Counselor, Livingston Middle School	394-5450
Wendy Gonzalez, Counselor, Livingston Middle School.....	394-5450
Lucia Alfaro, Counselor, Campus Park Elementary.....	394-5460
Dulce Ruiz, Counselor, Yamato Colony Elementary	394-5470
Diego Castro, Counselor, Selma Herndon Elementary.....	394-5480
Jenny Shuttera-Craig, Speech Language Pathologist, District.....	394-5428
Lori Morgan, School Nurse, District	394-5414

LUSD SITES

District Office	922 B Street, Livingston CA 95334	394-5400	Mr. Zamora, Superintendent
Campus Park Elementary	1845 H Street, Livingston CA 95334	394-5460	Ms. Ramirez, Principal
Yamato Colony Elementary	800 N. Main Street, Livingston CA 95334	394-5470	Ms. De Luna, Principal
Selma Herndon Elementary	714 Prusso Street, Livingston CA 95334	394-5480	Ms. Montañez, Principal
Livingston Middle School	101 F Street, Livingston CA 95334	394-5450	Mr. Arteaga, Principal
Walnut Child Dev Center	2600 Walnut Street, Livingston CA 95334	394-7122	Ms. Khosla, Supervisor
Prusso Child Dev Center	848 Prusso Street, Livingston CA 95334	394-5485	Ms. Khosla, Supervisor
MOT Department	922½ B Street, Livingston CA 95334	394-5405	Mr. Jones, Director
Food Services	922½ B Street, Livingston CA 95334	394-5457	Ms. Jameson, Director