

# Bear Valley Unified School District

## Annual Notice of Parents' Rights & Responsibilities



**2019-20**



### **Bear Valley Unified School District**

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### **Governing Board**

Mr. John Goepf  
Mrs. Beverly Grabe  
Mrs. Cathy Herrick  
Mrs. Sudie Smartt  
Mr. Paul Zamoyta

### **School Sites**

**Baldwin Lane  
Elementary**  
Catherine Tamayo

**Big Bear  
Elementary School**  
Christina San Nicolas

**Big Bear  
Middle School**  
Shelley Bassham

**Big Bear High School**  
Tina Fulmer

**Chautauqua  
High School**  
Tina Fulmer

**Fallsvale  
Elementary School**  
Christina San Nicolas

**North Shore  
Elementary School**  
Manny Marquez

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## EMERGENCY COMMUNICATIONS SYSTEMS FOR PARENTS/GUARDIANS

In the event of an emergency, please access the following:

- San Bernardino County Sheriff’s Office of Emergency Services’ website [http://www.sbcounty.gov/calmast/sbc/html/contact\\_us.asp](http://www.sbcounty.gov/calmast/sbc/html/contact_us.asp) or (909) 356-3998
- KBHR FM 93.3 and FM 102.5 or KTIE AM 590 (English)  
KEZY AM 1240 (Spanish)
- Automated Phone Messaging System – voice message on your telephone from your student’s school or the district office.

## IMPORTANT DATES

**First Day of School**

August 1, 2019

**Early Out Days**

Elementary Schools

August 1, 8, 15, 22 & 29, 2019  
 September 5, 12, 19 & 26, 2019  
 October 24 & 31, 2019  
 November 7, 14 & 21, 2019  
 December 5 & 12, 2019  
 January 16, 23 & 30, 2020  
 February 6, 13, 20 & 27, 2020  
 March 5, 12, 19 & 26, 2020  
 April 16, 23 & 30, 2020  
 May 7, 14, 21 & 28, 2020  
 June 4, 2020

**Last Day of School**

June 11, 2020

**Minimum Days (Conferences)**

Elementary Schools

September 30 – October 4, 2019

**Finals**

Middle School

June 9-11, 2020

Middle School

September 30 – October 4, 2019

**Finals**

High Schools

December 17-19, 2019  
 June 9-11, 2020

**Pupil-Free Days**

November 27, 2019

**Late Start Days**

Middle & High Schools

August 12 & 26, 2019  
 September 9 & 23, 2019  
 October 21, 2019  
 November 4, 2019  
 December 2 & 16, 2019  
 January 13 & 27, 2020  
 February 17, 2020  
 March 2 & 16, 2020  
 April 13 & 27, 2020  
 May 11, 2020

**Snow Days**

December 20, 2019  
 March 30 – April 3, 2020  
 May 15, 2020

**BBMS Promotion**

June 10, 2020

**CTHS Graduation**

June 11, 2020

**Holidays**

September 2, 2019 – Labor Day  
 October 7-18, 2019 – Fall Break  
 November 11, 2019 – Veterans’ Day (Observed)  
 November 28 & 29, 2019 – Thanksgiving Holiday  
 December 24, 2019 – January 10, 2020 – Winter Break  
 January 20, 2020 – Martin Luther King Day  
 February 10, 2020 – Lincoln’s Birthday (Observed)  
 February 17, 2020 – President’s Day (Observed)  
 April 6-10, 2020 – Spring Vacation  
 May 25, 2020 – Memorial Day

**BBHS Graduation**

June 12, 2020

**ACADEMICS**

**ADVANCED PLACEMENT EXAM FEES GRANT APPLICATION PROCESS**

EC §52244, BVUSD Board Policy 6141.5 & BVUSD Administrative Regulation 6141.5

Students meeting eligibility criteria may apply for state funds to cover the costs of advanced placement examination fees. Students should contact their high school counselor to obtain an application and information about the application process.

**AVAILABILITY OF COURSE CATALOG**

EC §49091.14, EC §49063 & BVUSD Board Policy 6161.1

The curriculum, including titles, descriptions, and instructional aims of every course offered by the district are compiled annually in a course catalog. Parents/guardians may contact the school principal, their student's counselor, or the District's Executive Director of 6-12 Curriculum and Instruction/Certificated Personnel to request a copy of the course catalog. When requested, the course catalog shall be reproduced and made available.

**CAL GRANT PROGRAM**

EC §69432.9 & BVUSD Administrative Regulation 5125

A Cal Grant is money for college that does not have to be paid back. To qualify, a student must meet the eligibility and financial requirements as well as any minimum grade point average (GPA) requirements. Cal Grants can be used at any University of California, California State University or California Community College. Some independent and career colleges or technical schools in California also take Cal Grants.

In order to assist students in applying for financial aid, all students in grade 12 are automatically considered a Cal Grant applicant and each grade 12 student's GPA will be submitted to the California Student Aid Commission (CASC) electronically by a school or school district official. No later than October 15 each year, the Superintendent or designee shall notify each student in grade 12, and his/her parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission unless he/she opts out within a period of time specified in the notice, which shall not be less than 30 days.

Until a student turns 18 years of age, only the parent/guardian may opt out the student. Once a student turns 18 years of age, only the student may opt himself/herself out, and can opt in if the parent/guardian had previously decided to opt out the student.

**CALIFORNIA HEALTHY YOUTH ACT**

EC §51930-51939, BVUSD Board Policy 6142.1 & BVUSD Administrative Regulation 6142.1

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

Parents or legal guardians have the right to:

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

**CALIFORNIA HIGH SCHOOL PROFICIENCY EXAMINATION**

CCR Title 5 §11523, BVUSD Board Policy 6146.2 & BVUSD Administrative Regulation 6146.2

The California High School Proficiency Exam (CHSPE) is a voluntary test that assesses proficiency in basic reading, writing, and mathematics skills taught in public schools. Eligible pupils who pass the CHSPE are awarded a Certificate of Proficiency by the State Board of Education. A pupil who receives a Certificate of Proficiency may, with verified approval from the parent or legal guardian, leave high school early. The Certificate of Proficiency, however, is not equivalent to completing all coursework required for regular graduation from high school. For more information, including administration dates and registration deadlines, visit the following website: <http://www.chspe.net/>.

**CAREER COUNSELING AND COURSE SELECTION**

EC §221.5(d), BVUSD Board Policy 6164.2 & BVUSD Administrative Regulation 6164.2

Career counseling and course selection will take place in the district's schools and will include affirmative exploration of careers and career courses. Counseling will commence at the beginning of the seventh grade. Parents are encouraged to participate in the counseling sessions and decisions. For more information, parents/guardians should contact their child's school. Students have the right to meet with a school counselor to obtain help on choosing courses at their school that will meet college admission requirements or to enroll in career technical education courses, or both. Students who wish to make an appointment with their counselor/career counselor (based on site availability) may do so through their school's office or counseling department.

**COLLEGE ADMISSION REQUIREMENTS**

EC §51229

The State of California offers community colleges, California State Universities (CSU), and Universities of California (UC) for students who wish to continue their education after high school. In order to attend a community college you need only be a high school graduate or 18 years of age. In order to attend a CSU you have to take specific high school courses, have the appropriate grades and test scores, and have graduated from high school. Parents/guardians and students may find the following list of website references helpful in learning about college admission requirements and high

Bear Valley Unified School District Graduation Requirements		University of California Admission Requirements For Freshman Entry		California State University Admission Requirements For Freshman Entry	
Courses	Units	Courses	Units	Courses	Units
Social Science World History (10 units) US History (10 units) Government/Economics (10 units)	30	(a) Social Science US History (10 units) or American Govt. or American History (5 units) World History (10 units)	30	(a) Social Science US History (10 units) or American Govt. or American History (5 units) World History (10 units)	20
English	40	(b) English (college prep or higher)	40	(b) English (college prep or higher)	40
Math (must include Algebra and Math I)	30	(c) Math (must include Math I, Math II, and Math III) (4 years recommended)	30	(c) Math (must include Algebra I, Geometry, Algebra II or higher) (4 years recommended)	30
Science Life Science (10 units) Physical Science (20 units)	30	(d) Laboratory Science Biological Science (10 units) Physical Science (10 units) (3 years recommended)	20	(d) Laboratory Science Biological Science (10 units) Physical Science (10 units) (3 years recommended)	20
Fine Arts or World Language	10	(e) Foreign Language (units must be in same language) (3 years recommended)	20	(e) Foreign Language (units must be in same language) (3 years recommended)	20
Electives	55	(f) Visual/Performing Arts	10	(f) Visual/Performing Arts	10
Physical Education	20	(g) College Prep Elective (chosen from UC "a-f" list)	10	(g) College Prep Elective (chosen from UC "a-f" list)	10
Freshman Studies B	5				
<b>TOTAL UNITS</b>	<b>220</b>	<b>TOTAL UNITS</b>	<b>160</b>	<b>TOTAL UNITS</b>	<b>150</b>

school courses that have been certified by the University of California as satisfying the requirements for admission to the University of California and the California State University.

- [www.cccco.edu](http://www.cccco.edu)
- [www.assist.org](http://www.assist.org)
- [www.californiacolleges.edu](http://www.californiacolleges.edu)
- [www.universityofcalifornia.edu/admissions](http://www.universityofcalifornia.edu/admissions)
- [www.ucop.edu/doorways/](http://www.ucop.edu/doorways/)
- [www.cde.ca.gov/ci/qs/hs/hsgtable.asp](http://www.cde.ca.gov/ci/qs/hs/hsgtable.asp)
- [www.calstate.edu/admission](http://www.calstate.edu/admission)

## COLLEGE AND CAREER TECHNICAL EDUCATION

EC §51229, EC §48980(m), BVUSD Board Policy 6146.1 & 6146.11

The California Department of Education defines "career technical education" as a program of study that involves a multiyear sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers. Career technical education may include agricultural education, apprenticeship opportunities, business and marketing coursework, health careers education, home economics, industrial and technology education, regional occupational programs, student organizations, technical preparation coursework, and work experience. More information related to the state's career technical education program can be found at [www.cde.gov/ci/ct](http://www.cde.gov/ci/ct). Detailed information related to each high school's career technical education programs and course offerings can be located in the counseling office/department.

## DISTRICT GRADUATION REQUIREMENTS

EC §48853, EC §49069, EC §51224.5, EC §51225.1 & BVUSD Board Policy 6146.1

### District Graduation Requirements

All students enrolled in grades 9-12 are required to earn a total of 220 units to qualify for graduation from any of the district's high schools. General requirements include the units/courses described in the chart shown below.

### Coursework and Graduation Requirements: Children of Military Families

If you are a military family, your child may qualify to be exempted from local graduation coursework requirements that are beyond the California state requirements. Please make an appointment with the school counselor to review your child's options for graduation. All coursework that was completed at another school outside of the Bear Valley Unified School District will be issued full or partial credit. You may direct your questions to the school counselor or the Executive Director of 6-12 Curriculum and Instruction/Certificated Personnel at the District Office.

### Foster Youth Exemption from Local Graduation Requirements

Foster and homeless youth are allowed educational rights such as immediate enrollment, remain in school of origin, enrollment in local comprehensive school, partial credits, graduation with state minimum requirements with possible fifth year/exemption from local graduation requirements, and access to academic resources, services and extracurricular activities. A local educational agency must provide a remedy to the affected pupil following the Uniform Complaint Procedures, including information regarding exemption from local graduation requirements, if educational rights are not allowed at the public high school.

## MINIMUM DAYS

EC §48980(c)

At the beginning of the first semester or quarter of the regular school term, the Governing Board shall notify parents/guardians of all pupils of the schedule of minimum days and pupil-free staff development days. For any minimum or pupil-free days scheduled thereafter, parents/guardians shall be notified one month before the scheduled minimum or pupil-free day.

### Minimum Days (Elementary Schools only)

September 30 – October 4, 2019

### Early Out Days (Elementary Schools only)

August 1, 8, 15, 22 & 29, 2019  
 September 5, 12, 19 & 26, 2019  
 October 24 & 31, 2019  
 November 7, 14 & 28, 2019  
 December 5 & 12, 2019  
 January 16, 23 & 30, 2020  
 February 6, 13, 20 & 27, 2020  
 March 5, 12, 19 & 26, 2020  
 April 16, 23 & 30, 2020  
 May 7, 14, 21 & 28, 2020  
 June 4, 2020

### Late Start Days (Middle & High Schools only)

August 12 & 26, 2019  
 September 9 & 23, 2019  
 October 21, 2019  
 November 4, 2019

December 2 & 16, 2019  
 January 13 & 27, 2020  
 February 17, 2020  
 March 2 & 16, 2020  
 April 13 & 27, 2020  
 May 11, 2020

## OBJECTION TO DISSECTING, HARMING, OR DESTROYING ANIMALS

EC §32255, EC §32255.1, BVUSD Board Policy 5145.8 & BVUSD Administrative Regulation 5145.8

Any pupil with a moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof, shall notify his/her teacher regarding this objection. If a student chooses to refrain from participation in an education project involving the harmful or destructive use of animals, and if the teacher believes that an adequate alternative education project is possible, the teacher may work with a student to develop and agree upon an alternate education project for the purpose of providing the student an alternate avenue for obtaining the knowledge, information, or experience required by the course of study in question.

Pupils choosing an alternative education project shall pass all examinations of the respective course of study in order to receive credit for that course of study. However, if tests require the harmful or destructive use of animals, a pupil may, similarly, seek alternative tests pursuant to this chapter. A pupil's objection to participating in an educational project pursuant to this section shall be substantiated by a note from his/her parent/guardian.

Each teacher teaching a course that utilizes live or dead animals or animal parts shall inform their students of their rights pursuant to EC §32255.

## PREGNANT AND PARENTING PUPILS

EC §221.51, EC §222.5, EC §46015, EC §482-485, EC §48980 & BVUSD Board Policy 5146

The Governing Board of the Bear Valley Unified School District will treat both the pregnant teen mother and the teen father with the same accommodations, regardless of sex. The teen parents may not be excluded from any class or extracurricular activities, solely on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or post-partum recovery. Physical and emotional ability to continue may only be determined by physician or nurse practitioner. Pregnant or parenting pupils may not be required to participate in pregnant minor programs or alternative programs, with the exception of personal choice.

Parental rights will be an option available in annual notifications or at semester term periods, welcome packets, orientation, online or in print, or in independent study packets as provided to all regular students from school districts or charter schools.

Parental leave for eight weeks for preparation of birth of infant, post-partum for mental and physical health needs of the teen parents and to bond with infants, or any additional medically approved time to protect the infant or parents is allowed. Any additional time due if deemed medically necessary, as prescribed by physician or nurse practitioner. The pregnant and parenting teens are not required to take all or part of the leave to which they are entitled. Leave will be approved by the district or charter school supervisor of attendance, as excused absence, with a unique code similar to independent study. However, no work is required during the leave. Upon return, the parenting teens are entitled to return to the school courses that they were enrolled in before taking leave. Make up plans and re-enrollment will be worked out with the school counselor or administrator to achieve an opportunity to fully participate in all activities, as before leave. If needed, parenting teen may enroll for a fifth year of instruction if on course for graduation requirements. If parenting teens were enrolled in an alternative school setting, a return to that environment is to be available as needed to achieve graduation. A pupil shall not incur any academic penalties due to using these available accommodations.

An illness for sick child does not require a doctor note for the custodial parenting teens; the mother or father will be excused by the attendance supervisor.

## RETROACTIVE GRANT OF HIGH SCHOOL DIPLOMAS: DEPARTED AND DEPORTED PUPILS

EC §51430

The Governing Board of the Bear Valley Unified School District may award a diploma to any student who may have been deported outside the US, if in good standing after completing the second year of high school. Any transfer credits from outside the US will be considered as completion through online or foreign classes.

## SEXUAL ABUSE AND SEX TRAFFICKING PREVENTION / SEXUAL ABUSE AND SEXUAL ASSAULT AWARENESS AND PREVENTION

EC §51900.6 & EC §51950

The middle and/or high school may offer sexual abuse/sexual assault awareness and prevention or sex trafficking prevention instruction to teach strategies to reduce their risk, techniques to set healthy boundaries and how to safety report incidents. Parents or guardians may submit a written request to excuse their child from participation in any class involving sexual abuse, sexual assault awareness and prevention or sex trafficking prevention education.

## SPECIALIZED EDUCATIONAL PROGRAMS

EC §310, EC §311, EC §313.2, EC §48850, EC §51225.1, EC §51225.2, EC §52164.3, EC §52173.5, CCR Title 5 §3831, CCR Title 5 §11301, USC Title 20 §6316, USC Title 20 §7912, BVUSD Board Policy 5116.1, 6173, 6173.1 & BVUSD Administrative Regulation 6173

### English Learners Identification Notice

Parents are to be notified by schools that in addition to the child's English proficiency status, for which they are notified using the English Language Proficiency for Assessments for California (ELPAC), and they are to be notified that their child is a "Long-term English Learner" or is an "English learner at-risk of becoming a Long-term English Learner". For more information, contact the District's Executive Director TK-6<sup>th</sup> Curriculum and Instruction/Student Services at (909) 866-4631.

### Foster/Homeless Youth

Foster and homeless youth are ensured school placements in their best interest, including the least restrictive educational program, access to academic resources/services/extracurricular/enrichment activities, full and partial credit for courses taken, and opportunities to meet state pupil academic achievement standards. Foster/homeless youth can be assisted by the District's Liaison, the Executive Director of TK-6<sup>th</sup> Curriculum and Instruction/Student Services, and can be reached at (909) 866-8631. Information concerning Foster Youth, Foster Youth Education Rights, and Uniform Complaint Policy can be found on the BVUSD website.

### Gifted & Talented Education (GATE)

The GATE plan is available by contacting the District's Executive Director TK-6<sup>th</sup> Curriculum and Instruction/Student Services at (909) 866-4631.

### Language Acquisition Program

5 CCR 11309: In order to facilitate parental choice of program, all parents and guardians must be informed of the placement of their children in a structured English immersion program and must be notified of an opportunity to apply for a parental exception waiver. Notice to include a description of the locally-adopted procedures for requesting a parental exception waiver, and any locally-adopted guidelines for evaluating a parental waiver request.

EC 310: Parents or legal guardians may choose a language acquisition program that best suits their child. Schools in which the parents or legal guardians of 30 pupils or more per school or the parents or legal guardians of 20 pupils or more in any grade request a language acquisition program that is designed to provide language instruction shall be required to offer such a program to the extent possible, based upon the requirements of EC 305. If the school district implements a language acquisition program, the parent or guardian shall be provided with information on the types of language programs available to pupils enrolled in the school district, including, but not limited to, a description of each program. The information shall be made part of the annual notice required pursuant to EC 48980 or upon enrollment.

### Migrant and Newly Arrived Immigrant Pupils

Notice shall be provided in language that the parent and student understand within 30 days of migration: When a pupil completes the state minimum coursework requirements and becomes eligible for a diploma, to notify the pupil, the educational rights holders all of the following: The pupil's right to a diploma issued by the school district of residence if he or she completed the graduation requirements for high school student who transferred in their 3<sup>rd</sup> or 4<sup>th</sup> year of high school from another country or other school district. The school district of residence shall issue to the pupil a diploma from the school the pupil last attended after the transfer and accept coursework satisfactorily from the school previously attended, as well as from a country other than the United States. The district or charter school will explain how taking coursework and other requirements adopted by the governing board or charter school or continuing education upon transfer will affect the pupil's ability to gain admission to a postsecondary educational institution. Information about transfer opportunities available through the California Community Colleges. The pupil's or the education rights holder's, as applicable, option to allow the pupil to take additional coursework for a 5<sup>th</sup> year of high school toward an achievable diploma requirement. If the district or charter school fails to provide timely notice, the pupil shall be eligible for the diploma once notified, even if that notification occurs after the initial transfer. In addition the statewide minimum course work and other requirements adopted by the governing board of the district or charter school shall do both of the following: Inform the pupil of his or her option to take

coursework and other requirements adopted by the governing board. Permit the pupil, upon agreement with the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, upon agreement with the person holding the right to make educational decisions for the pupil, to take coursework or other requirements adopted by the governing board, to take additional coursework for a 5<sup>th</sup> year of high school. Advise the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, the person holding the right to make educational decisions for the pupil, to consider enrollment in a school operated by the local educational agency or charter school, benefit from continued instruction, and graduate from high school with a valid diploma. If a pupil participating in a newcomer program is exempted from local graduation requirements, the exemption shall continue to apply after the pupil no longer meets the definition of a "pupil participating in a newcomer program" while he or she is enrolled in school or if the pupil transfers again to another school, including a charter school, or school district during the 3<sup>rd</sup> or 4<sup>th</sup> year of high school. Students and parents of migratory children shall not request a transfer solely to qualify for this exemption.

## STUDENTS WITH DISABILITIES

EC §56301, USC Title 29 §794, CFR Title 34 §104.32 & §504 Rehabilitation Act

### Section 504 Accommodations for Students

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

An eligible student under Section 504 is a student who a) has a physical or mental impairment which substantially limits a major life activity, b) has a record of such an impairment, or c) is regarded as having such an impairment. The regulations define "major life activities" as functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

It is the purpose of this notice to identify the rights ensured by Section 504. If parents have questions regarding parents' rights under IDEA (Individuals with Disabilities Education Act), they should contact the following:

Director of TK-5 Curriculum & Instruction/Student Services  
42271 Moonridge Road, PO Box 1529  
Big Bear Lake, CA 92315  
(909) 866-4631

### Definitions

For the purpose of implementing Section 504, the following terms and phrases shall have only the meanings specified below:

Free appropriate public education (FAPE) means the provision of regular or special education and related aids and services designed to meet the individual educational needs of a student with disabilities as adequately as the needs of students without disabilities are met, at no cost to the student or his/her parent/guardian, except when a fee is specifically authorized by law for all students. (34 CFR 104.33)

Student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities. (28 CFR 35.108)

Physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, immune, hemic, lymphatic, skin, and endocrine. (28 CFR 35.108)

Mental impairment means any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. (28 CFR 35.108)

Substantially limits major life activities means limiting a person's ability to perform functions, as compared to most people in the general population, such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, and working. Major life activities also includes major bodily functions such as functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions, as well as the operation of an individual organ within a body system. The determination of whether an impairment substantially limits a student's major life activities shall be made without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. Mitigating measures are measures that an individual may use to eliminate or reduce the effects of an impairment, including, but not limited to, medications, medical supplies or equipment, prosthetic devices, assistive devices, reasonable modifications or auxiliary aids or services, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy. (42 USC 12102; 28 CFR 35.108)

**Referral, Identification, and Evaluation**

Any action or decision to be taken by the district involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to the principal or 504 Coordinator for identification as a student with a disability under Section 504.
2. Upon receipt of any such referral, the principal, 504 Coordinator, or other qualified individual with expertise in the area of the student's suspected disability shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including those in academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

If it is determined that an evaluation is unnecessary, the principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards available, as described in the "Procedural Safeguards" section below.

3. If the student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to his/her initial placement. (34 CFR [104.35](#))

Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

The district's evaluation procedures shall ensure that the tests and other evaluation materials: (34 CFR [104.35](#))

- a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
- b. Are tailored to assess specific areas of educational need and are not merely designed to provide a single general intelligence quotient
- c. Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure

**Section 504 Services Plan and Placement**

Services and placement decisions for students with disabilities shall be determined as follows:

1. A multi-disciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.  
The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR [104.35](#))  
In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR [104.34](#). (34 CFR [104.35](#))
2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.  
The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.
3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a person with a disability under Section 504 and shall state the basis for the determination that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.
4. The student shall be placed in the regular educational environment, unless the district can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR [104.34](#))
5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame. The district shall adhere to this time frame regardless of any extended school breaks or times that school is otherwise not in session.
6. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

**Review and Reevaluation**

The 504 team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of students without disabilities are met. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.

A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR [104.35](#))

**Procedural Safeguards**

The Superintendent or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by the district regarding the identification, evaluation, or educational placement of their children. He/she also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with the district's action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate. (34 CFR [104.36](#))

If a parent/guardian disagrees with any district action or decision regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent/guardian's request. If the parent/guardian is not satisfied with the resolution of the issue, or if the parent/guardian did not request an administrative review, he/she may request a Section 504 due process hearing.

A Section 504 due process hearing shall be conducted in accordance with the following procedures:

1. The parent/guardian shall submit a written request to the Coordinator within 30 days of receiving the district's decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:
  - a. The specific nature of the decision with which he/she disagrees
  - b. The specific relief he/she seeks
  - c. Any other information he/she believes is pertinent to resolving the disagreement
2. Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.
3. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.
4. The parties to the hearing shall be afforded the right to:
  - a. Be accompanied and advised by legal counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504
  - b. Present written and oral evidence
  - c. Question and cross-examine witnesses
  - d. Receive written findings by the hearing officer stating the decision and explaining the reasons for the decision

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

**Notifications**

The Superintendent or designee shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the district's duty under Section 504.

**Child Find Systems**

All children with disabilities residing in the District, including children with disabilities who are homeless children or wards of the state and children with disabilities attending private, including religious elementary and secondary schools, regardless of the severity of their disabilities, and who are in need of special education and related services, will be identified, located, and assessed. The child find process will ensure the equitable participation in special education and related services of parentally placed private school children with disabilities and an accurate count of those children.

## ATTENDANCE

### ABSENCES DUE TO RELIGIOUS PURPOSES

EC §46014, BVUSD Board Policy 5113 & BVUSD Administrative Regulation 5113

Students with the written consent of their parents/guardians may be excused from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination.

### ABSENCES FOR CONFIDENTIAL MEDICAL SERVICES

EC §46010.1, BVUSD Board Policy 5113 & BVUSD Administrative Regulation 5113

The Governing Board of each school district shall, each academic year, notify pupils in grades 7 to 12, inclusive, and the parents/guardians of all pupils enrolled in the district, that school authorities may excuse any pupil from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent/guardian.

### ACADEMIC CREDIT FOR MISSED ASSIGNMENTS

EC §48980(j), BVUSD Board Policy 5113 & 6154 & BVUSD Administrative Regulation 5113

A student shall not have his/her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

### CHRONIC ABSENTEEISM

EC §60901, BVUSD Board Policy 5113.1 & BVUSD Administrative Regulation 5113.1

A student becomes a "chronic absentee" as defined in California *Education Code (EC)* Section 60901(c)(1) when "a pupil who is absent on 10 percent or more of the school days in the school year when the total number of days a pupil is absent is divided by the total number of days the pupil is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays."

You will receive a written notification alerting you when your student has missed 10% of the school day even if your student has excused absences/illness. Following the written notification, if additional day(s) are missed, a second notification will be mailed requesting that the parent/guardian of the student attend a meeting at the school with the Student Attendance Review Team (SART). The goal of the SART is to help both the parents/guardians and the student find solutions to the barriers that are preventing regular school attendance.

If absenteeism continues, the parent/guardian may be summoned to attend a Student Attendance Review Board (SARB) meeting held at the school district's office.

### EXCUSED ABSENCES

EC §48205, EC §45194 & EC §46014, BVUSD Board Policy 5113 & BVUSD Administrative Regulation 5113

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, Board policy, and administration regulations.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulation.

Inasmuch as school attendance and class participation are integral to students' learning experiences, parents/guardians and students shall be encouraged to schedule medical and other appointments during non-school hours.

Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for the following reasons:

1. Personal illness.
2. Quarantine under the direction of a county or city health officer.
3. Medical, dental, optometrical, or chiropractic appointments.
4. Attendance at funeral services for a member of the immediate family, which shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state.
5. Jury duty in the manner provided for by law.
6. Illness or medical appointment of a child to whom the student is the custodial parent. Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note.
7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including but not limited to:

- a. Appearance in court
  - b. Attendance at a funeral service
  - c. Observation of a religious holiday or ceremony
  - d. Attendance at religious retreats not to exceed four hours per semester
  - e. Attendance at an employment conference
  - f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit
8. Service as a member of a precinct board for an election pursuant to Elections Code 12302.
  9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment. For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household.
  10. Attendance at a naturalization ceremony to become a United States citizen.
  11. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school. Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in AR 6112 – School Day, and is not excused from school for this purpose on more than four days per school month.
  12. Work in the entertainment or allied industry. Such absence shall be excused provided that the student holds a work permit authorizing such work and is absent for a period of not more than five consecutive days and up to five absences per school year.
  13. Participation with a nonprofit performing arts organization in a performance for a public school audience. A student may be excused for up to five such absences per school year provided that the student's parent/guardian provides a written explanation of such absence to the school.
  14. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances. For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household.

### TRUANCY

EC §48260, EC §48262, EC §48263, EC §48263.6, EC §48264, BVUSD Board Policy 5113.1 & BVUSD Administrative Regulation 5113.1

A student is considered truant after three absences or three tardies of more than 30 minutes each time and the absences or tardies are unexcused. After a student has been reported as a truant three or more times in a school year, the student is considered a habitual truant. A student who is absent from school without a valid excuse for 10% or more of the school days in one school year, from the date of enrollment to the current date, is considered a chronic truant. Unexcused absences are all absences that do not fall within EC §48205.

## COMPLAINT PROCESS

### SEXUAL HARASSMENT

EC §212.5, EC §231.5, EC §48980(g), 5 CCR 4916, BVUSD Board Policy 5145.7 & BVUSD Administrative Regulation 5145.7

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. 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 encourages 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 by another student or an adult who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.



**Instruction/Information**

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence.
2. A clear message that students do not have to endure sexual harassment under any circumstance.
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained.
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved.
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students.
6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made.
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues.
8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment.

**Complaint Process and 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 4-12, 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.

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.

**Record-Keeping**

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

**Complaint Process**

The district designates the following individual 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 may be contacted at:

Superintendent of Schools  
Bear Valley Unified School District  
42271 Moonridge Road, Big Bear Lake, CA 92315  
(909) 866-4631  
[mary\\_suzuki@bearvalleyusd.org](mailto:mary_suzuki@bearvalleyusd.org)

**TITLE IX AND NONDISCRIMINATION**

20 USC §1681-1688, BVUSD Board Policy 1312.3 & 5145.3 & BVUSD Administrative Regulation 1312.3 & 5113.1

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual

orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at:

Superintendent of Schools  
Bear Valley Unified School District  
42271 Moonridge Road, Big Bear Lake, CA 92315  
(909) 866-4631  
[mary\\_suzuki@bearvalleyusd.org](mailto:mary_suzuki@bearvalleyusd.org)

More information on the district's Title IX policy can be found on the district or school websites located at [www.bearvalleyusd.org](http://www.bearvalleyusd.org) under the *About Annual Notifications for Parents and Students*.

**Nondiscrimination Statement**

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics. This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

**UNIFORM COMPLAINT PROCEDURES**

EC §234.1, EC §32289, EC §49013, CCR Title 5 §4622, BVUSD Board Policy 1312.3 & BVUSD Administrative Regulation 1312.3

The Bear Valley Unified School District has the primary responsibility for compliance with federal and state laws and regulations. We have established Uniform Complaint Procedures (UCP) to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees and the non-compliance of our Local Control and Accountability Plan (LCAP).

Any individual, public agency, organization may file a written complaint alleging a matter which, if true, would constitute a violation by the District of federal or state laws or regulations governing the programs and activities as well as allegations of unlawful discrimination identified above. UCP complaints are to be submitted in writing to:

Superintendent of Schools  
Bear Valley Unified School District  
42271 Moonridge Road, Big Bear Lake, CA 92315  
(909) 866-4631  
[mary\\_suzuki@bearvalleyusd.org](mailto:mary_suzuki@bearvalleyusd.org)

Any person with a disability or who is unable to prepare a written complaint can receive assistance from the site administrator/designee or by calling the Office of the Superintendent at (909) 866-4631.

The administrative regulation 1312.3 will provide detailed steps to filing a written complaint. It is a BVUSD regulatory document to help you with the necessary documentation to submit your complaint.

The sixty (60) day timeline for the investigation and District response shall begin when the written complaint is received by the Office of the Superintendent.

Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal.

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013, 50275; 5 CCR 4632)

**WILLIAMS LAWSUIT SETTLEMENT COMPLIANCE**

EC §35186 & BVUSD Administrative Regulation 1312.4

Every school must provide sufficient textbooks and instructional materials. Every student, including English learners, must have textbooks or instructional materials, or both, to use at home or after school. School facilities must be clean, safe and maintained in good repair. There should be no teacher vacancies or misassignments. If a school is found to have deficiencies in these areas, and the school does not take corrective action, then a Williams Uniform Complaint Form may be obtained at the school site. The individual responsible for processing complaints at the school district level is the Superintendent, who may be contacted at (909) 866-4631. Parents, guardians, pupils, teachers, or any member of the public may submit a complaint regarding these issues. However, it is highly encouraged that

individuals express their concerns to the school principal before completing the complaint forms to allow the school to respond to these concerns.

## ENROLLMENT

### ATTENDANCE OPTIONS

EC §48200, EC §48204, EC §48204.1, EC §48204.2, EC §31560.5(b), EC §48350, EC §46600, EC §48980(n), EC §48929, BVUSD Board Policy 5111.1, 5116.1, 5116.2 & BVUSD Administrative Regulation 5111.1, 5116.1, 5116.2 & 5117

#### Interdistrict Enrollment/Transfer Requests

Parents/guardians of students living outside the boundary of Bear Valley Unified School District may apply for an Interdistrict Transfer. The parent or legal guardian of a pupil may seek release from the home district to attend a school in any other school district. School districts may enter into agreements for the interdistrict transfer of one or more pupils for a period of up to five years. The agreement must specify the terms and conditions for granting or denying transfers, and may contain standards of reapplication and specify the terms and conditions under which a permit may be revoked. Unless otherwise specified in the agreement, a pupil will not have to reapply for an interdistrict transfer, and the school board of the district of enrollment must allow the pupil to continue to attend the school in which he/she is enrolled.

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

Requests are based on the district's enrollment and staffing needs. Preferences will be given to pupils whose parents are enlisted in the military. Parents/guardians should contact the Executive Director of TK-6<sup>th</sup> Curriculum and Instruction/Student Services at (909) 866-4631 for further information.

#### Involuntary Transfer

A student may be transferred to another district school if he/she is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which he/she was convicted.

Before transferring such a student, the Superintendent or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services. He/she shall also notify the student and his/her parents/guardians of the right to request a meeting with the principal or designee.

Participation of the victim in any conflict resolution program shall be voluntary, and he/she shall not be subjected to any disciplinary action for his/her refusal to participate in conflict resolution.

The principal or designee shall submit to the Superintendent or designee a recommendation as to whether or not the student should be transferred. If the Superintendent or designee determines that a transfer would be in the best interest of the students involved, he/she shall submit such recommendation to the Board for approval.

The Board shall deliberate in closed session to maintain the confidentiality of student information, unless the parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decision shall be final.

The decision to transfer a student shall be subject to periodic review by the Superintendent or designee.

The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929.

#### Persistently Dangerous Schools

The Bear Valley USD Governing Board has adopted a policy stating that students who attend a persistently dangerous school must be allowed to attend a safe public school. (USC Title 20 §7912, BVUSD Board Policy 5116.1). For more information, please contact the Executive Director of TK-6<sup>th</sup> Curriculum and Instruction/Student Services at (909) 866-4631.

#### Residency Requirements

A minor between the ages of 6 and 18 years is subject to compulsory education and, unless exempted, must enroll in school in the school district in which the residence of either the parent or legal guardian is located.

A student shall be deemed to have complied with district residency requirements if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries.
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement.
3. The student is admitted through the district's inter-district attendance program
4. The student is an emancipated minor residing within district boundaries.
5. The student lives with a caregiving adult within district boundaries.

6. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability.
7. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within district boundaries.

#### Residency Investigations

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency.

The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

Any employee engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation.

### NOTICE OF ALTERNATIVE SCHOOLS

EC §58501, BVUSD Board Policy 6181 & BVUSD Administrative Regulation 6181

The Governing Board desires to provide a variety of education programs designed to address students' diverse learning needs and enhance student achievement through innovative methods and ideas. The Board may establish and maintain alternative schools or separate class groups within a school in order to fulfill the objectives specified in Education Code §58500.

Alternative schools or class groups shall offer the Board-adopted core curriculum. With Board approval, the schools or programs may differ from ongoing programs in other ways that include, but are not limited to, the following:

1. They may emphasize a specific element of the approved curriculum.
2. They may present the approved curriculum in a sequence different from that used in other district programs.
3. Their staff may emphasize specific instructional strategies.
4. The decision-making process for their governance may differ from the processes used in other programs.

Alternative schools shall comply with state and federal law and Board policy regarding nondiscrimination in district programs.

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

Bear Valley Unified School District Alternative Schools:

- Bear Valley Virtual Academy (K-12)
- Chautauqua High School (Continuation Education) (9-12)

### VICTIM OF VIOLENT CRIME

USC Title 20 §7912, BVUSD Board Policy 5116.1 & BVUSD Administrative Regulation 5116.1

A student who becomes a victim of a violent criminal offense while in or on the grounds of a school that the student attends has the right to transfer to another school within the district. The district has 14 calendar days to offer students the option to transfer. For more information, please contact the Executive Director of TK-6<sup>th</sup> Curriculum and Instruction/Student Services at (909) 866-4631.

## HEALTH

### ADMINISTRATION OF MEDICINE DURING THE SCHOOL DAY

EC §49414, EC §49414.7, EC §49423, EC §49480, BVUSD Board Policy 5141.21 & BVUSD Administrative Regulation 5141.21

When a child is required to take any medication, including over-the-counter and herbal products, during the regular school day, the parent/guardian must request assistance of school personnel in administering medication. To provide this assistance, parents must submit an "Authorization for Medication to be Taken During School Hours" form to the school. The authorization must include a written statement from the physician, who is licensed to practice in California, detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken.

At the elementary level, parents/guardians must bring the medication to school. Middle school and high school students may bring the medication to the health office at the beginning of the school day. All medication must be in

the original labeled container. Sending of cough drops and over-the-counter medication is discouraged.

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

A parent/guardian of a pupil on a continuing medication regimen for a non-episodic condition shall inform the school nurse or other designated certificated school employee of medication being taken, the current dosage, and the name of the supervising physician. With the consent of the parent/guardian of the pupil, the school nurse may communicate with the physician and may counsel with school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

#### Administration of Epilepsy Medication

If a pupil with epilepsy has been prescribed an emergency anti-seizure medication by his or her health care provider, the school nurse will work with the family, physician, and school staff to ensure an emergency procedure is in place for that student.

#### Emergency Treatment for Anaphylaxis

School staff who may be required to administer anaphylactic injections shall receive training from qualified medical personnel. They will be authorized to administer the injections in accordance with administrative regulations. (cf. 5141)

1. Parents/guardians of students who may require emergency anaphylactic injections shall provide written permission for authorized staff to administer these injections.
2. Each year, school employees designated by the principal shall receive training in administering anaphylactic injections. Qualified medical personnel shall provide this training.
3. The principal or designee shall schedule in-service meetings to:
  - a. Familiarize authorized staff with the prescribed medications and their location.
  - b. Ensure that authorized staff are competent to administer anaphylactic injections.
  - c. Train all school personnel to recognize the symptoms of anaphylactic reactions. Physicians and parents/guardians of students who may require anaphylactic injections may be invited to attend these meetings.
4. The principal or designee shall prepare a list naming the students who may need emergency anaphylactic injections. This list shall be given to all staff who work with such students on a regular basis and shall be updated annually.
5. All medication for injections shall be labeled with the student's name, type of medicine and expiration date.
6. The parents/guardians of students who carry their own kits for the purpose of anaphylactic injections shall so inform the principal or designee, who shall prepare a list naming these students, give it to concerned staff and update the list annually.
7. The principal or designee shall post in the school health office a list of symptoms usually associated with anaphylactic reactions and a clear, specific procedure for administering injections in case of emergency. If authorized staff are not available at the time of an emergency, this written procedure will be followed by anyone who must administer the injection in order to save a life.

#### ANNUAL HEALTH SCREENINGS

EC §49452, EC §49452.5, BVUSD Board Policy 5141.3 & BVUSD Administrative Regulation 5141.3

Annual vision and hearing screenings are conducted in kindergarten, second, fifth, eighth grade and tenth grade (hearing only). Parent teacher referrals or students receiving special education services may be included in these screenings as required by law unless the parent/guardian files a written objection. Scoliosis screening is provided for female pupils in seventh grade and male pupils in eighth grade. Notification will be sent to the parent/guardian of a student for any noted condition discovered through the screenings.

#### CONCUSSION AND HEAD INJURIES

EC §49475, BVUSD Board Policy 6145.2 & BVUSD Administrative Regulation 6145.2

A concussion is a brain injury that can be caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. Even though most concussions are mild, all concussions are potentially serious and may result in complications including prolonged brain damage and death if not recognized and managed properly. A school district that elects to offer athletic programs must immediately remove from a school-sponsored athletic activity for the remainder of the day an athlete who is suspected of sustaining a concussion or head injury during that activity. The

athlete may not return to that activity until he or she is evaluated by, and receives written clearance from, a licensed health care provider. If the licensed health care provider determines the athlete has a concussion or head injury, the athlete shall also complete a graduated return-to-play protocol of no less than seven (7) days in duration under the supervision of a licensed health care provider. On a yearly basis, a concussion and head injury information sheet must be signed and returned by the athlete and the athlete's parent or guardian before the athlete's initiating practice or competition. This requirement does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course.

#### CONTROLLED SUBSTANCES: OPIOIDS

EC §49476

The athletic departments of the Bear Valley Unified School District will provide facts regarding the risks and side effects of opioid use each school year to athletes. Parents and student athletes must sign acknowledgement of receipt of the document annually.

#### ENTRANCE HEALTH SCREENING

HSC §124085, HSC §124100, HSC §124105, BVUSD Board Policy 5141.3 & BVUSD Administrative Regulation 5141.3

The district requires a physical examination prior to entering transitional or regular kindergarten. The State of California requires a physical exam 18 months before entering first grade. If the physical examination is done after March of the year the student enters kindergarten, it will meet both requirements. If it is before March of that year, another physical will be required prior to first grade.

#### ERIC PAREDES SUDDEN CARDIAC ARREST PREVENTION ACT

SB 1375

The senate bill requires a pupil in any public school, including a charter school, or private school that elects to conduct athletic activities, and the pupil's parent or guardian, to sign and return an acknowledgement of receipt of an information sheet on sudden cardiac arrest symptoms and warning signs each school year before the pupil participates in an athletic activity.

#### IMMUNIZATIONS

EC §48216, EC §49403, HSC §120325, HSC §120335, HSC §120338, HSC §120365, HSC §120370, HSC §120375, BVUSD Board Policy 5141.31 & BVUSD Administrative Regulation 5141.31

##### Students Admitted at TK/K-12 Need:

Diphtheria, Tetanus, and Pertussis (DTaP, DTP, Tdap, or Td) — 5 doses (4 doses OK if one was given on or after 4th birthday. 3 doses OK if one was given on or after 7th birthday.)

For 7th-12th graders, at least 1 dose of pertussis-containing vaccine is required on or after 7th birthday.

Polio (OPV or IPV) — 4 doses

(3 doses OK if one was given on or after 4th birthday)

Hepatitis B — 3 doses

(not required for 7th grade entry)

Measles, Mumps, and Rubella (MMR) — 2 doses

(Both given on or after 1st birthday)

Varicella (Chickenpox) — 2 doses

These immunizations requirements apply to new admissions and transfers for all grades, including transitional kindergarten.

##### Students Starting 7th Grade Need:

Tetanus, Diphtheria, Pertussis (Tdap) — 1 dose

(Whooping cough booster usually given at 11 years and up)

Varicella (Chickenpox) — 2 doses

(Usually given at ages 12 months and 4-6 years)

In addition, the TK/K-12 immunization requirements apply to 7th graders who:

- previously had a valid personal beliefs exemption filed before 2016 upon entry TK/Kindergarten and 6th grade (SB 277)
- are new admissions/enrollments

##### Records:

California schools are required to check immunization records for all new student admissions at TK/Kindergarten through 12th grade and all students advancing to 7th grade before entry. Parents must show their child's Immunization Record as proof of immunization.

##### As of January 1, 2016:

For the new Immunization law SB277, Personal and Religious Belief Exemptions (waivers) are no longer accepted at schools in the State of California. Proof of immunization will be required for students entering grades TK, K, and 7 beginning 7/1/2016.

Medical exemptions - A parent or guardian must submit a written statement from a licensed physician (M.D. or D.O.) which states:

- 1) That the physical condition or medical circumstances of the child are such that the required immunization(s) is not indicated.
- 2) Which vaccines are being exempted.
- 3) Whether the medical exemption is permanent or temporary.
- 4) The expiration date, if the exemption is temporary.

If your child has received these immunizations, please bring the immunization record to the school so that we may update their records. You may need to take this form along with your child's yellow California Immunization Record to your doctor or the local health department or clinic to get the needed immunization(s). Then bring us the updated immunization record.

Personal Belief Exemptions on file for grades TK-6 will be good through 6th grade only. All previously unvaccinated students entering 7th grade must provide documentation of all vaccines needed for school entry based on age. Exemptions on file for grades 7-12 will be good through grade 12. Immunization requirements are specified under the California School Immunization Law Health and Safety Code Sections 120325-120375. Your child may be excluded from attending school if he/she does not have the required immunizations.

## MEDICAL SERVICES AT SCHOOL

EC §32221.5, EC §49472, EC §49471, BVUSD Board Policy 5143 & BVUSD Administrative Regulation 5143

### Medical Services Provided

The school district may provide or make available medical or hospital service through nonprofit membership corporations, defraying the cost of medical or hospital service, or through group, blanket or individual policies of accident insurance or through policies of liability insurance for injuries to pupils arising out of accidents related to school activity or attendance. No pupil is required to accept such service without the consent of his/her parent or legal guardian.

### Health Insurance Coverage for Athletes

Under state law, school districts are required to ensure that all members of school athletic teams have accidental injury insurance that covers medical and hospital expenses. This insurance requirement can be met by the school district offering insurance or other health benefits that cover medical and hospital expenses. For more information, please refer to the District's Board Policy 5143 and Administrative Regulation 5143.

Low- or no-cost insurance for students may be available through Medi-Cal for those who qualify. Parents/guardians can contact Medi-Cal at (800) 541-5555 for information.

### Medical Attention at School for Accidents/Injuries

An emergency card will be used to contact parents/guardians in the event of a medical emergency. The school will act in the absence of parent contact to ensure appropriate medical treatment is provided even if the parent/guardian cannot be reached. The school may make available medical or hospital services for students while at or on the way to or from any school activity. Specific direction regarding emergency care must be noted on emergency cards.

## MENTAL HEALTH

EC §49428

In accordance with AB 2022, Pupil mental health services: school notification, the Bear Valley Unified School District wants to ensure that parents, guardians, and students are informed about resources available for anyone who believes they are in a mental health crisis. We encourage parents/guardians and student to talk with any adult in the school district if they are concerned about another student and possible mental health needs.

The district serves its students through a community referral system to mental health providers. The district has on staff full-time two (2) school psychologists and a registered nurse. For more information about school district mental health resources, please contact the district as follows:

Grades 6-12: Robert Rodriguez, School District Psychologist - 909-585-2521 ext. 6230

Grades TK-5: Cynthia Britt, School District Psychologist - 909-585-2521 ext. 6225

More information regarding wellness and mental health services available can be located on the Bear Valley Unified School District website as follows: [www.bearvalleyusd.org/apps/pages/wellness/mental\\_health\\_services](http://www.bearvalleyusd.org/apps/pages/wellness/mental_health_services).

## ORAL HEALTH ASSESSMENT

EC §49452.8, BVUSD Board Policy 5141.6 & BVUSD Administrative Regulation 5141.6

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

## SUICIDE PREVENTION

Chapter 2, Part 1, Division 1 of Title I of EC & BVUSD Board Policy 5141.52

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

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

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

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

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning youth. The Board shall review, and update as necessary, this policy at least every five years.

## TEMPORARY DISABILITY

EC §48206.3, EC §48207, EC §48208 & BVUSD Administrative Regulation 5111.1

A pupil with a temporary disability which makes attendance in the regular day classes or the alternative educational program in which the pupil is enrolled impossible or inadvisable may receive individualized instruction provided in the pupil's home for one hour a day. Please contact the school nurse or the Director of TK-6 Curriculum & Instruction/Student Services at (909) 866-4631.

A pupil with a temporary disability, who is in a hospital or other residential health facility, excluding a state hospital, may be deemed to have complied with the residency requirements for school attendance in the school district in which the hospital is located.

It is the responsibility of the parent or guardian to notify the school district in which the hospital or other residential health facility is located of the presence of a pupil with a temporary disability. Upon receipt of the notification, the district will within five working days determine whether the pupil will be able to receive individualized instruction and, if so, provide the instruction within five working days or less.

## TOBACCO FREE CAMPUS

HSC §104420, HSC §104495, BVUSD Board Policy 3513.3 & BVUSD Administrative Regulation 3513.3

The District prohibits the use of tobacco products any time in district-owned or leased buildings, on district property, in district vehicles, and prohibits the disposal of cigarette butts, cigar butts, or any other tobacco-related waste within 25 feet of any playground or tot lot sandbox area (does not apply to private property or a public sidewalk located within 25 feet of a playground or a tot lot sandbox area). The products prohibited include any product containing tobacco, nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products.

## PARENTS' RIGHTS

### CHILD ABUSE AND NEGLECT REPORTING

Penal Code 11164, BVUSD Board Policy 5141.4 & BVUSD Administrative Regulation 5145.3

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect.

School district employees who are mandated reporters are obligated to report all known or suspected incidents of child abuse or neglect. For information concerning mandated reporting, please contact the Executive Director of TK-6<sup>th</sup> Curriculum and Instruction/Student Services at (909) 866-4631.

### COMPETITIVE ATHLETICS

EC §221.9 & BVUSD Administrative Regulation 6145.2

Each school site that offers competitive athletics shall publicly make available at the end of the school year on their school website the following information:

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

The data reported for items #1-3 above shall reflect the total number of players on a team roster on the official first day of competition.

### DISCLOSURE OF STUDENT INFORMATION

USC Title 20 §1232(h), USC Title 20 §7908, EC §51513, BVUSD Board Policy 1112 & 5125.1 & BVUSD Administrative Regulation 5125.1

#### Release of Directory Information

The district is required to notify parents or guardians, on an annual basis, of the categories of directory information that the school plans to release and of the person or agencies who may receive such information.

Directory information designated by the Bear Valley Unified School District is as follows: student's name, address, telephone number, email address, date of birth, major field of study, participation record in officially recognized sports, weight and height of athletic team members, dates of attendance, degrees and awards perceived, and the most recent previous school attended. However, for purposes of accessing or communicating in electronic systems, directory information may include a student identification number, user identification, or other personal identifier used by the student provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user. Directory information also does not include a student's citizenship status, immigration status, place of birth, or any other information indicating national origin.

If a parent/guardian does not want to authorize the school district to release any directory information as defined above, the parent/guardian must notify the school district in writing within 15 school days after the commencement of the school year/date of enrollment indicating that such information not be disclosed without prior consent from the parent/guardian. Please send request to:

Bear Valley Unified School District  
Mrs. Lucinda Newton  
Executive Director of TK-6<sup>th</sup> Curriculum and Instruction/Student Services  
42271 Moonridge Road/P.O. Box 1529  
Big Bear Lake, CA 92315  
(909) 866-4631

No directory information of a student identified as a homeless child or youth as defined in 42 USC 11434a shall be released, unless the parent/guardian, or the student if he/she is 18 years old, has provided written consent that directory information may be released.

#### Tests/Surveys on Personal Beliefs

Students will not be given any test, questionnaire, survey, or examination, containing questions about personal beliefs/practices in sex, family life, mortality, and religion; unless parent/guardian gives written permission.

#### Survey/Analysis/Evaluation

Students will not be given a survey, analysis, or evaluation that reveals sensitive personal information (i.e., political affiliations or beliefs, mental or psychological problems, sex behavior or attitudes, illegal and social, self-incriminating, or demeaning behavior, critical appraisals of other individuals with whom respondent has close family relationships, legally recognized privileged or analogous relationships, religious practices, affiliations or beliefs, or income) without the prior written consent of the parent. Parents/guardians may inspect surveys created by a third party used to collect personal information.

#### Access by Military Recruiters

Federal law requires Bear Valley Unified School District to provide military recruiters the same access to secondary school pupils as is provided to post

secondary educational institutions or to prospective employers. Parents may request that the district not release their pupil's name, address and telephone number without prior written consent. Written notice must be submitted to the school if the parent or legal guardian wishes to deny access to this information.

#### Media Relations

Staff may provide the media with student directory information, including but not limited to, the name of a student, school of attendance, grade level, honors and activities, unless the student's parent/guardian has submitted a written request that such information not be disclosed. The district shall not release information that is private or confidential as required by law, Board policy or administrative regulation. No other access to student records or personally identifiable student information may be provided without written parent/guardian permission.

#### Interviewing and Photographing Students

The district shall not impose restraints on students' right to speak freely with media representatives at those times which do not disrupt a student's educational program. However, interviews of students may not create substantial disorder or impinge on the rights of others. Therefore, in order to minimize possible disruption, media representatives who wish to interview students at school are strongly encouraged to make prior arrangements with the principal. At their discretion, parents/guardians may instruct their children not to communicate with media representatives.

### FREE/REDUCED PRICE MEALS

EC §49510 & BVUSD Board Policy 3553

Free or reduced-price lunches are available at school for pupils whose parents/guardians qualify, based on annual household income, and complete the required application form. Application forms may be obtained through the school office or at the district's Child Nutrition Services Department.

### NONDISCRIMINATION/HARASSMENT IN DISTRICT

CFR Title 34 §106.9, BVUSD Board Policy 0410 & 5145.3 & BVUSD Administrative Regulation 5145.3

#### Students

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics. This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

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

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

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

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

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

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

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

#### Record-Keeping

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

For a complaint form or additional information, contact the Executive Director of Business Services at (909) 866-4631.

### PARENT ENGAGEMENT

EC §11500, EC §11501, EC §11502 & EC §11503

To participate in the district offerings of parent education and to provide parental input to the local training programs for parents, please contact Dr. Lisa Waner, Executive Director of 6-12 Curriculum and Instruction/Certificated Personnel, at (909) 866-4631.

### PROPERTY DAMAGE

EC §48904, BVUSD Board Policy 3515.4 & BVUSD Administrative Regulation 3515.4

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

### PUPIL MEALS – CHILD HUNGER PREVENTION AND FAIR TREATMENT ACT OF 2017

EC §49557.5

The Bear Valley Unified School District has a Meal Charge Policy about how students who pay the full or reduced cost of a school meal are impacted by not having enough cash on hand or in their account to purchase a meal. The meal charge policy may be viewed at [www.bearvalleyusd.org](http://www.bearvalleyusd.org).

### REQUEST FOR THE USE OF A SERVICE DOG

Bear Valley Unified School District will accommodate service dogs in its schools and related facilities. Service Dogs are trained to give direct assistance to the disabled allowing their owners to function independently and are recognized by the Americans with Disabilities Act, which gives them public access rights. The Americans with Disabilities Act defines the term "service animal" to encompass any guide dog, signal dog that is individually trained to provide assistance to an individual with a disability. Accordingly, a service dog is one that supports independent living, mobility and/or some recognized medical need.

Bear Valley Unified School District students who plan on bringing their service animal to school because of a disability must meet with the school's principal and submit a completed 10-day Notice of Service Animal form with all required documentation. The submission of the completed form begins the timeline of 10 district business days before bringing the service dog on campus. During the meeting with the principal, the guardian and/or student will receive a list of all requirements necessary.

### RESPONSE TO IMMIGRATION ENFORCEMENT

BVUSD Board 5145.13

The Governing Board is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

District staff shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at district schools, except as may be required by state and federal law.

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of his/her immigration status.

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement.

Consistent with requirements of the California Office of the Attorney General, the Superintendent or designee shall develop procedures for addressing any requests by a law enforcement officer for access to district records, school sites, or students for the purpose of immigration enforcement.

Teachers, school administrators, and other school staff shall receive training regarding immigration issues, including information on responding to a request from an immigration officer to visit a school site or to have access to a student.

The Superintendent or designee shall report to the Board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information.

### SCHOOL ACCOUNTABILITY REPORT CARD

EC §35256 & EC §35258

Parents may obtain a copy of any school's annual School Accountability Report Card at the district office, each school site, or the district website ([www.bearvalleyusd.org](http://www.bearvalleyusd.org)). Each school is required to maintain copies of their individual School Accountability Report Card which shall be provided upon request.

### SOCIAL SECURITY NUMBERS

EC §49076.7 & EC §56601

School districts, county offices of education and charter schools are prohibited from collecting or soliciting social security numbers or the last four digits of social security numbers from students or their parents or guardians unless otherwise required to do so by state or federal law.

### STUDENT RECORDS

EC §49063, EC §49069, CFR Title 34 §99.7, USC Title 20 §1232(g), BVUSD Board Policy 5125 & BVUSD Administrative Regulation 5125 - 5125.1

#### Definitions

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records.

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program.

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record.

Student records do not include:

1. Directory information
2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee.
3. Records of the law enforcement unit of the district, subject to 34 CFR 99.8.
4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive.

Mandatory interim student records are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive.

Permitted student records are those records having clear importance only to the current educational process of the student.

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic.

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral

description or communication of a record, and a request to release a copy of any record.

Personally identifiable information includes, but is not limited to:

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family
4. A personal identifier such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age.

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent.

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require him/her to have access to student records.

School officials and employees are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced to him/her by the district. Contractor or consultant shall not include a volunteer or other party.

Custodian of records is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons.

County placing agency means the county social service department or county probation department.

#### Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent.
2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records.
3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law.

#### Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

1. Parents/guardians of a student age 18 or older who is a dependent child as defined under 26 USC 152.
2. Students who are age 16 or older or who have completed the 10<sup>th</sup> grade.
3. School officials and employees, consistent with the definition provided in the section "Definitions" above.
4. Members of a school attendance review board (SARB) who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student.
5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer.

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record.

6. The Student Aid Commission, to provide the grade point average (GPA) of all district students in grade 12 and, when requested, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA.

No later than October 15 each year, the Superintendent or designee shall notify each student in grade 12, and his/her parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission unless he/she opts out within a period of time specified in the notice, which shall not be less than 30 days.

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number.

7. Federal, state, and local officials, as needed for an audit, evaluation, or compliance activity related to a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35.
8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above.
9. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena. Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order.
10. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition.
11. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws.
12. Any probation officer, district attorney, or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regard to declaring the minor student a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701. When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law.
13. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681. In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours.
14. A foster family agency with jurisdiction over currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined. Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the district.
15. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a.
16. An individual who completes items 1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school.
17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility for the care and protection of a student, provided that the information is directly related to providing assistance to address the student's educational needs.
18. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245. When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above.

19. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals.

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school.

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act.

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released.

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made.

#### **Discretionary Access**

At his/her discretion, the Superintendent or designee may release information from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake.

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made.

Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations.
3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that:
  - a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.
  - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
  - c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34.
5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made.
6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by the district, excluding volunteers or other parties.
7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or his/her parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid.
8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the provisions of 34 CFR 99.37 and under the condition that

any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency.

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

#### **De-identification of Records**

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information.

#### **Process for Providing Access to Records**

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located.

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons.

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests.

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When required by law, the parent/guardian shall provide a written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed.

If the parent/guardian refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Within five business days following the date of request, a parent/guardian or other authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours.

Qualified certificated personnel shall be available to interpret records when requested.

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection.

#### **Access Log**

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester.

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection.

The custodian of records shall also make an entry in the log regarding any request for records that was denied and the reason for the denial.

The log may include record of access by:

1. Parents/guardians or adult students.
2. Students who are 16 years of age or older or who have completed the 10th grade.
3. Parties obtaining district-approved directory information.
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075.
5. School officials and employees who have a legitimate educational interest.

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student who is age 16 years or older or who has completed the 10th grade, custodian of records, and certain state or federal officials.

#### **Duplication of Student Records**

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various



records for any former student. No charge shall be made to locate or retrieve any student record.

#### Changes to Student Records

Only a parent/guardian having legal custody of a student or an adult student may challenge the content of a record or offer a written response to a record.

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student.

A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

#### Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data.

The following mandatory permanent student records shall be kept indefinitely:

1. Legal name of student
2. Date and place of birth and method of verifying birth date
3. Sex of student
4. Name and address of parent/guardian of minor student
  - a. Address of minor student if different from the above
  - b. Annual verification of parent/guardian's name and address and student's residence
5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given
7. Verification of or exemption from required immunizations
8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include:

1. Expulsion orders and the causes therefor
2. A log identifying persons or agencies who request or receive information from the student record
3. Health information, including verification or waiver of the health screening for school entry
4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge
5. Language training records
6. Progress slips/notices required by Education Code 49066 and 49067
7. Parental restrictions/stipulations regarding access to directory information
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
9. Parent/guardian authorization or denial of student participation in specific programs
10. Results of standardized tests administered within the past three years
11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including:

1. Objective counselor and/or teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data
4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction.

#### Transfer of Student Records

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records.

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion.

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy

shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school.

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days.

All student records shall be updated before they are transferred.

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian.

If the district is withholding grades, diploma, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

#### Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices to that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with disabilities.

The notice shall include:

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school
12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g
13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment.

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

#### Student Records from Social Media

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall:

1. Gather or maintain only information that pertains directly to school safety or student safety
2. Provide a student with access to any information that the district obtained from his/her social media activity and an opportunity to correct or delete such information
3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first
4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or his/her parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification

may be provided as part of the annual parental notification required pursuant to Education Code 48980.

5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:
  - a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or his/her parent/guardian
  - b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first.

## SAFETY

### ASBESTOS MANAGEMENT PLAN

CFR Title 40 §763.93 & BVUSD Board Policy 3514

The district has developed an asbestos management plan for each school, including all buildings that they lease, own, or otherwise use as school buildings in accordance with CFR Title 40 §763.93. A copy of the complete, updated management plan for asbestos-containing material in school buildings may be reviewed in the office of the Director of Maintenance & Operations at (909) 866-4179.

### ELECTRONIC SURVEILLANCE

BVUSD Board Policy 3515

The Governing Board is committed to providing a school environment that promotes safety of students, employees, and visitors to school grounds. The Board also recognizes the importance of protecting district property, facilities, and equipment from vandalism and theft.

In accordance with the Board Policy BP 3515 Campus Security, parents/guardians are advised, in Student Handbooks and Annual Parent Notifications, that school sites use video surveillance on school district properties. Cameras would be located in common areas, such as hallways, entry doors, front of school. Signs are posted at conspicuous locations at affected buildings and grounds. Recordings may be used in disciplinary proceedings, and may be referred to local law enforcement, as appropriate. If you have any questions concerning cameras/video surveillance, please contact your school site's principal.

### PESTICIDE PRODUCTS

EC §48980.3, EC §17612 & BVUSD Administrative Regulation 3514.2

Parents receive 24 hours notification before the planned pesticides are applied at their student's school site via notices posted at the school site and through the school site's automated telephone message system. Notices remain posted at the school site for 72 hours after pesticides are used. To obtain a copy of all pesticide products and expected use at the school facility during the year, and to receive notification of individual pesticide applications at the school at least 72 hours before the application, please contact the Director of Maintenance & Operations at (909) 866-4179.

### SCHOOLMESSENGER/COMMUNICATION FROM SCHOOLS

Telephone Consumer Protection Act

In accordance and to comply with the Telephone Consumer Protection Act (TCPA), parents have the right to opt-out of receiving any messages sent from school sites through SchoolMessenger. At any time, while listening to a recorded phone message sent through SchoolMessenger recipients may press "5" on their phone to initiate the opt-out process. After pressing "5", they will be asked to press "1" to confirm they no longer wish to receive any recorded messages on that particular phone.

Please note:

1. All requests to opt-out will be processed on a regular basis and may not be instantaneous.
2. Opt-out requests only apply to the number on which they submit the request.
3. Phone opt-out requests only apply to voice broadcast messages and SMS Text, not Email.

Please call the school should you wish to be opted back in or feel your number has been opted out by mistake.

### SCHOOL BUS SAFETY

EC §39831.5 & BVUSD Administrative Regulation 3543

All pupils in pre-kindergarten, kindergarten and grades 1 to 6, shall receive written information on school bus safety (i.e., a list of school bus stops near each pupil's home, general rules of conduct at school bus loading zones, red light crossing instructions, school bus danger zone, and walking to and from school bus stops).

Prior to departure on a school activity trip, all pupils riding on a school bus or school activity bus shall receive safety instruction that includes, but is not limited to, location of emergency exits, and location and use of emergency equipment. Instruction also may include responsibilities of passengers seated next to an emergency exit.

### SCHOOL SAFETY: BULLYING

EC §234.4 & EC §32283.5

The Bear Valley Unified School District is committed to the prohibition of discrimination, harassment, intimidation, and bullying. Annual training will be provided to all staff who work with students to prevent bullying and cyberbullying.

If you or your child should experience any bullying on campus, at school events, or on the way to or from school, please contact Dr. Lisa Waner, Executive Director of 6-12 Curriculum and Instruction/Certificated Personnel, at (909) 866-4631.

### SCHOOL SAFETY PLAN

EC §32280, BVUSD Board Policy 0450 & BVUSD Administrative Regulation 0450

Each Bear Valley Unified School District school site has a Comprehensive School Safety Plan, which includes a disaster preparedness plan and emergency procedures. Copies are available to read at each school office. Fire and emergency drills are held periodically at each school.

## STUDENT CONDUCT & DISCIPLINE

### EDUCATIONAL EQUITY: IMMIGRATION STATUS

EC §66251, EC §66260.6, EC §66270 & EC §66270.3

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

### EDUCATIONAL EQUITY: IMMIGRATION AND CITIZENSHIP STATUS

EC §200, EC §220 & EC §234.1 (adding Article 5.7 to EC 234.7)

All persons in public schools, regardless of their Immigration status, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, are to be afforded equal rights and opportunities in the schools, and are not to be discriminated against on the basis of these specific characteristics in any program or activity conducted by the school that receives or benefits from state financial assistance or enrolls students who receive state financial aid. School officials are prohibited from collecting information or documents regarding citizenship or immigration status of students or their family members. Schools are to adopt a policy that prohibits and adopt a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on those actual or perceived specified characteristics. The superintendent of a school district or county office of education and principal of a charter school are to report to the governing board of local educational agency in a timely manner any requests for information or access to the school site by an officer or employee or a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information. Schools are encouraged, when an employee is aware that a student's parent or guardian is not available to care for the student, to work with parents or guardians to update the emergency contact information and not to contact Child Protective Services to arrange for the student's care unless the school is able to arrange for care through the use of emergency contact information or instructions provided by the student's parent or guardian. Governing boards or schools are to provide information to parents and guardians as appropriate, regarding their children's right to a free public education, regardless of immigration status or religious beliefs. Schools and school districts will adopt by July 1, 2018 model policies created by the California Attorney General, limiting immigration enforcement at public schools ensuring that public schools remain safe and accessible regardless of immigration status.

### GRADUATION DRESS CODE

The Bear Valley Unified School District's Governing Board recognizes that the diversity of our school communities enriches our schools, strengthens our students' educational experience, and helps to prepare them as global citizens. Beginning with the graduating class of 2019, any student participating in his/her high school graduation ceremony may wear items of personal significance and/or individual expression during the ceremony. This

item may represent the student's academic or extra-curricular participation and/or achievement in school or the student's personal characteristics of ethnicity, culture, religion, sex, gender, gender identity, nationality, race, color, ancestry, sexual orientation, marital or parental status, or military service.

All items of personal significance and/or individual expression must be pre-approved by the Superintendent or designee. Upon approval from the Superintendent or designee, students will receive a confirmation of approval. Students must bring this confirmation to the graduation ceremony and have it available to present to site or district staff as verification of pre-approval. Please know that students who fail to have in their possession at the graduation ceremony evidence of pre-approval may be prohibited from wearing their item before and during the ceremony, including during the recessional at the end of the ceremony.

Please feel free to contact the school if you have any questions or would like additional information regarding the parameters for personalized graduation attire adornment.

## SAFE PLACE TO LEARN ACT

EC §234 & EC §234.1

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

## SCHOOL DISCIPLINE POLICIES

EC §35291 & BVUSD Board Policy 5144

Each school district may prescribe procedures to provide written notice to pupils and parents/guardians regarding school rules and procedures. School sites may adopt rules and procedures established by school committees with specific membership and filed with the Governing Board. Parents/guardians will be notified regarding the availability of site and district rules as well as procedures pertaining to discipline.

## THE RESPONSIBLE USE POLICY AND TECHNOLOGY RESOURCES AGREEMENT

BVUSD Board Policy 6163.4 & BVUSD Administrative Regulations 6163.4

One of the adopted goals of the Bear Valley Unified School District is to assist in advancing the use of technology to enhance student learning. All Bear Valley Unified School District students and their parents/guardians shall sign the Student Use of the Internet Agreement prior to using district technological resources. The Bear Valley Unified School District shall make a diligent effort to filter the inappropriate or harmful matter accessible through the Internet. Students shall take responsibility not to initiate access to inappropriate or harmful matter while using District technology. In supervised classroom settings, students may participate in online activities aligned with adopted goals. Violation of this policy may result in disciplinary action and the loss of the privilege to use the technology and/or civil or criminal liability. The Responsible Use Policy and Technology Resources Agreement may be obtained from the district website at [www.bearvalleyusd.org](http://www.bearvalleyusd.org) or any district school.

## TITLE I PARENT INVOLVEMENT POLICY

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 ensure that staff members at each school:

1. Help parents/guardians develop parenting skills and provide home environments that support their children's academic efforts and their development as responsible members of society
2. Inform parents/guardians that they can directly affect the success of their children's learning and provide them techniques and strategies that they may use to improve their children's academic success and help their children in learning at home.

3. Initiate consistent and effective two-way communication between the home and school so that parents/guardians may know when and how to help their children in support of classroom learning activities
4. Receive training that fosters effective and culturally sensitive communication with the home, including training on how to communicate with non-English speakers and how to give parents/guardians opportunities to assist in the instructional process both at school and at home.
5. Encourage parents/guardians to serve as volunteers in the schools, attend student performances and school meetings, and participate in site councils, advisory councils and other activities in which they may undertake governance, advisory and advocacy roles

School plans shall delineate specific measures that shall be taken to increase parental involvement with their children's education, including measures designed to involve parents/guardians with cultural, language or other barriers which may inhibit such participation.

## UNIFORM & GROOMING POLICIES

EC §35183, EC §35183.5, BVUSD Board Policy 5132 & BVUSD Administrative Regulation 5132

### General

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process. In cooperation with teachers, students and parents/guardians, the principal or designee shall establish school rules governing student dress and grooming which are consistent with law, Governing Board policy and administrative regulations. These school dress codes shall be regularly reviewed.

### Gang Related Apparel

The principal, staff and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (EC 32282)

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received.

## CALIFORNIA EDUCATION CODES

### RIGHTS OF PARENTS AND GUARDIANS TO INFORMATION

EC §51101 (in part)

The parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, as follows:

1. Within a reasonable period of time after making the request, to observe their child's classroom(s).
2. Within a reasonable time of their request, to meet with their child's teacher(s) and the principal.
3. To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of district employees, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher.
4. To be notified on a timely basis if their child is absent from school without permission.
5. To receive the results of their child's performance on standardized tests and statewide tests and information on the performance of their child's school on standardized statewide tests.
6. To request a particular school for their child, and to receive a response from the school district.
7. To have a school environment for their child that is safe and supportive of learning.
8. To examine the curriculum materials of their child's class(es).
9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child.
10. To have access to the school records of their child.

11. To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.
12. To be informed in advance about school rules, including disciplinary rules and procedures, attendance policies, dress codes, and procedures for visiting the school.
13. To receive information about any psychological testing the school does involving their child and to deny permission to give the test.
14. To participate as a member of a parent advisory committee, schoolsite council, or site-based management leadership team.
15. To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.
16. To be notified, as early in the school year as practicable, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child.

## SUSPENSION AND EXPULSION LAWS

EC §48900 et seq.

A pupil shall not be suspended from school or recommended for expulsion unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

- (a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 110535) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stole or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- (2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. This paragraph shall become inoperative on July 1, 2018, unless a later enacted statute that becomes operative before July 1, 2018, deletes or extends that date.
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.
- (r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:
  - (1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
    - (A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
    - (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
    - (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
    - (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.
  - (2) (A) "Electronic act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager of a communication, including, but not limited to any of the following:
    - (i) A message, text, sound, video or image.
    - (ii) A post on a social network Internet website, including, but not limited to:
      - (I) Posting to or creating a burn page. "Burn page" means an Internet website created for the purpose of having one or more of the effects listed in paragraph (1).
      - (II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
      - (III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
    - (iii) An act of cyber sexual bullying.
      - (I) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
      - (II) For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
  - (B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- (3) Reasonable pupil means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.
- (s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section unless the act is related to a school

activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to a school activity or school attendance that occur at any time, including, but not limited to, any of the following:

- (1) While on school grounds.
  - (2) While going to or coming from school.
  - (3) During the lunch period, whether on or off the campus.
  - (4) During, or while going to, or coming from, a school-sponsored activity.
- (t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
- (u) As used in this section, "school property" includes, but is not limited to, electronic files and databases.
- (v) For a pupil subject to discipline under this section, a superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior as specified in Section 48900.5.
- (w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.

- (2) Brandishing a knife at another person.
  - (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
  - (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
  - (5) Possession of an explosive.
- (d) The governing board of a school district shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:
- (1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.
  - (2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
  - (3) Is not housed at the schoolsite attended by the pupil at the time of suspension.
- (e) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:
- (1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
  - (2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (f) The governing board of a school district shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study that meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.
- (g) As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
- (h) As used in this section, the term "explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.

**CIRCUMSTANCES FOR RECOMMENDING EXPULSION**

EC §48915

- (a) (1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:
- (A) Causing serious physical injury to another person, except in self-defense.
  - (B) Possession of any knife or other dangerous object of no reasonable use to the pupil.
  - (C) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:
    - (i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
    - (ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
  - (D) Robbery or extortion.
  - (E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- (2) If the principal or the superintendent of schools makes a determination as described in paragraph (1), he or she is encouraged to do so as quickly as possible to ensure that the pupil does not lose instructional time.
- (b) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil committed an act listed in paragraph (1) of subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel a pupil for any of those acts shall be based on a finding of one or both of the following:
- (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
  - (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:
- (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm

**HARASSMENT, THREATS OR INTIMIDATION**

EC §48900.4

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

**HATE VIOLENCE**

EC §48900.3

In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted

to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233.

### LIMITATIONS ON IMPOSING SUSPENSION

EC §48900.5

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

### SEXUAL HARASSMENT

EC §48900.2

In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5.

For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

### TERRORISTIC THREATS

EC §48900.7

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