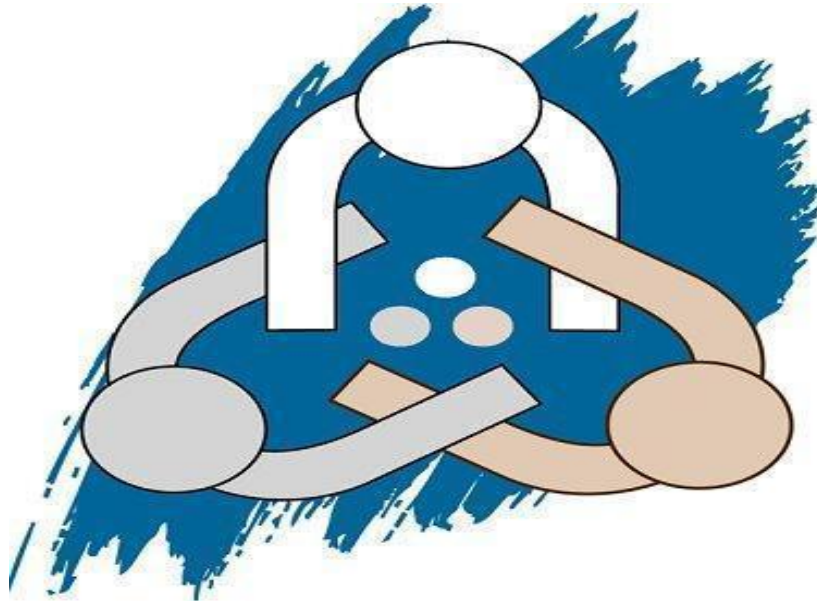


# Tulare Joint Union High School District

*“Quality Schools Preparing Exceptional Students”*



## **Student Code of Conduct 2024-2025**

**Tulare Union High School  
Tulare Western High School  
Mission Oak High School  
Tulare Tech Prep High School  
Sierra Vista Charter High School  
Countryside High School  
Accelerated Charter High School**

**426 N Blackstone St • Tulare, CA 93274  
Office (559) 688-2021 • Fax (559) 687-7317  
[www.tulare.k12.ca.us](http://www.tulare.k12.ca.us)**

The Tulare Joint Union High School District prohibits discrimination, intimidation, harassment (including sexual harassment) or bullying based on a person's actual or perceived ancestry, color, disability, ethnicity, gender, gender expression, gender identity, immigration status, marital status, religion, national origin, parental status, pregnancy status, race, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. For questions or complaints, contact the Equity and Title IX Coordinator: Tammy Aldaco, Assistant Superintendent of Human Resources and Business, 426 North Blackstone, Tulare, CA 93274, 559-688-2021, [tammy.aldaco@tulare.k12.ca.us](mailto:tammy.aldaco@tulare.k12.ca.us) and Section 504 Coordinator: Roger Robles, Director of Special Education, 387 North K Street, Tulare, CA 93274, 559-687-7351, [roger.robles@tulare.k12.ca.us](mailto:roger.robles@tulare.k12.ca.us)

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## THE BOARD OF EDUCATION AND STUDENT BEHAVIOR

The Board of Education has the responsibility to see that an appropriate educational program is available to each student in our schools. Within the framework of California law, courses and materials are developed, teachers and administrators are selected, and rules and regulations are established to ensure a proper climate in which students may pursue their studies.

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, and while on district transportation.

Parents, administrators, teachers, and others responsible for the welfare of students must cooperate to interpret and enforce our behavior code and attendance policy.

This publication contains the rights and responsibilities, legal basis, and rationale for which our policies are founded. It is important that you read and discuss this Student Conduct Code with your son or daughter. We look forward to an excellent school year. We ask your cooperation to ensure that our students have a school environment that promotes the educational process both in academic growth and character development.

### ***Tulare Joint Union High School District Board of Trustees***

#### **TJUHSD Board Priorities:**

- Improve Student Outcomes and Performance.
- Manage Facilities and Student Growth.
- Maintain the Fiscal Integrity of the District and Fund the Board Priorities.
- Staff the TJUHSD with Qualified Personnel and Maintain a Positive Work Environment.
- Maintain Safe Schools.
- Continue to Strengthen Internal and External Communication Systems.

#### **TJUHSD LCAP Goals:**

- All students will demonstrate successful completion of a broad course of study and will meet the a-g requirements upon graduation, in order to be prepared to transition to college and a career.
- All English Learners will demonstrate improvement in their English Language skills as evidenced through course grades, ELPAC scores and CAASPP scores.
- TJUHSD will maintain a positive learning environment where all students and parents feel welcomed, valued, safe and engaged in the academic success of our students.
- All students with disabilities will demonstrate improvement in their academic achievement, as evidenced by course grades, CAASPP scores, and graduation rates.
- Reduce the suspension rate of students at Countryside Community Day High School and Tech Prep High School.

## **SUPERINTENDENT'S MESSAGE**

The Tulare Joint Union High School District is committed to ensuring that all schools in the district are safe and secure for all students. Student safety is one of our top priorities. The district will continue to enhance efforts to ensure all schools are safe and secure for students. Students should be treated with respect and not subject to intimidation, bullying, or harassment. Thus, the student code of conduct has been developed to clarify our district policies and expectations. Students are expected to follow the Student Code of Conduct so that all students have a valuable and memorable high school experience. With a safe and positive environment, we can ensure that all of our students will concentrate on preparing themselves for college and career.

Sincerely,

Dr. Lucy Van Scyoc  
Superintendent

## CONFIDENTIAL REPORTING

Tulare Joint Union High School District makes a point of stressing safety for our students and staff. The district has implemented the Sandy Hook Promise for students, or parent use to report confidential information that would help stop bullying, harassment, and intimidation, alcohol, drugs, and weapons on campus. Sandy Hook Promise Say Something Anonymous Reporting System will also assist in supporting students who don't know of other avenues to solve a problem.

**Sandy Hook Promise** - <https://www.p3campus.com/tipform.aspx?ID=3000&HF=1&Logo=0&X=1&H=0>

## COMPLAINT RIGHTS (E.C. 35186)

**Williams Uniform Complaint Procedure** (For a detailed version of this information, please visit our website.)

Notice to Parents/Guardians, Students, and Teachers:

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional material, or both, to use in class and to take home.
2. School Facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The Teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a lone-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

4. A complaint form can be obtained at the school office or district office, or downloaded from the school or district website [www.tulare.k12.ca.us](http://www.tulare.k12.ca.us). You may also download a copy of the California Department of Education.

## RIGHTS AND RESPONSIBILITIES

### Rights of Students

- To attend school unless removed under due process as specified in the Education Code.
- To attend school in a secure academic and social climate, free of fear and violence.
- To enjoy the full benefit of their teachers' efforts, undiluted by the disruptive student,
- To have ready access to a designated counselor or administrator. To examine personal records upon reaching the age of sixteen or completing the 10th grade.
- To be fully informed of school rules and regulations.

### Responsibilities of Students

- To attend school and classes regularly and on time.
- To be prepared for class with the appropriate materials and work.
- To know and obey school rules and regulations.
- To respect the rights of school personnel, fellow students, and the public in general.
- To demonstrate pride in the appearance of school buildings and grounds.

### Rights of Parents

- To expect that their children will spend their time at school in a safe, wholesome, stimulating atmosphere engaged in a productive activity under the care and direction of a dedicated staff.
- To have the assurance that school personnel will at no time preempt parental prerogative,
- To be informed of District policies and regulations and school rules,
- To review their child's record with a certificated staff member providing assistance.

### **Responsibilities of Parents**

- To visit School periodically to participate in conferences with teachers, counselors, or administrators regarding the academic and behavioral status of their children.
- To provide supportive action by making sure that children have enough sleep, adequate nutrition, and appropriate clothing before coming to school.
- To Maintain consistent and adequate control over their children and to approve of reasonable control measures as applied by school personnel,
- To cooperate with the school in bringing about improvements designed to enhance the educational program offered students.
- To provide the school with current information regarding legal address, phone, medical data, and other facts which may help the school to serve their children,
- To become familiar with District policies and school rules and regulations. Encourage good attendance and keep your children in school all day, Avoid taking students out of school early.

### **Rights of Teachers**

- To expect and receive the attention, effort, and participation of the students attending their classes.
- To have parental and administrative backing when enforcing rules designed to provide an optimum learning climate.
- To teach with interruptions held to an absolute minimum.
- To enjoy the same level of respect and courteous treatment accorded members of the class individually and collectively.

### **Responsibilities of Teachers**

- To consider the personal worth of each individual student as a single, unique, important human being.
- To attempt to equip each learner with the knowledge, skills, attitudes, and values required for successful living.
- To hold Students accountable for their actions at all times.
- To assess divergent ideas, opinions, and expressions objectively and deal with them in a balanced, unbiased manner.
- To keep parents and students informed with timely or periodic reports including all pertinent data related to the student's school experience.
- To consistently critique their own performance with the objective of an ever-growing professional stature.
- To initiate and enforce individual classroom rules consistent with school and District policies.

### **Rights of Administrators**

- To initiate such control measures as needed to establish and maintain an environment in which optimum learning and teaching conditions prevail.
- To make decisions on all issues confronting schools, primarily on the basis of what is best for the students.
- To hold students accountable for their conduct and to take prompt and appropriate action toward those guilty of violations.
- To expect that all school employees recognize and fulfill their role in terms of campus control.

### **Responsibilities of Administrators**

- To provide leadership that will establish, encourage, and promote good teaching and effective learning.
- To establish, publicize, and enforce school rules that facilitate effective learning and promote attitudes and habits of good citizenship among the students.
- To request assistance from the District's support services aid community agencies and resources in all cases indicating such action.
- To make a determined effort to stay attuned to expressions of student staff parent community concerns and to react with sensitivity toward them.

# **STUDENT DRESS CODE**

(Administrative Regulation 5132 – Dress and Grooming)

In cooperation with teachers, students and parents/guardians, the principal or designee may establish school rules governing student dress and grooming which are consistent with law, Board policy, and administrative regulations. These school dress codes shall be regularly reviewed.

All clothing shall be neat, clean and acceptable in repair and appearance and shall be worn within the bounds of decency, safety, and good taste as deemed appropriate by school administration.

The following guidelines shall apply to all regular school activities:

1. Clothing, jewelry, and personal items shall be free of writing, pictures, or any other insignia which is vulgar, lewd, obscene, profane, or sexually suggestive or which promotes the use of alcohol, drugs, tobacco, or other illegal activity.
2. Appropriate shoes must be worn at all times.
3. Hats, caps, and other head coverings shall not be worn indoors.
4. Clothes shall be sufficient to conceal undergarments. See-through tops, halter tops, off the shoulder or low cut, bare abdomens, midriffs, and skirts or shorts shorter than mid-thigh are prohibited.
5. Any apparel, jewelry, accessory, notebook, backpack, or manner of grooming, which, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in gangs, advocates drug use, violence, disruptive behavior or is offensive is prohibited. A behavior contract is enforced based on gang associated activities.
6. Caps and hats are not permitted on campus. From November 1st to March 1st, beanies will be allowed outdoors and must be:
  - Free of designs other than district/school logos
  - Free of any gang affiliation
  - Free from advocating any alcohol, drug, or tobacco product
  - Any beanie not deemed appropriate by a school administrator will be confiscated.

Upon approval by site administration and for sun protection, students are allowed to wear a full brim hat that is constructed of cotton or canvas material, capable of being folded up while in the classroom. These hats must be:

- Free of any type of logo or writing
  - Solid white or khaki color
  - Removed upon entering building
7. See-through, bare midriff, fishnet blouses, spaghetti strap tops (straps must be one (1) inch or wider), low cut, revealing tops, muscle shirts, strapless tops, off-the-shoulder and undershirts are prohibited. Shirts cut low under the arm will not be acceptable. No student may wear clothing that contains words that are suggestive or has suggestive double meanings of lewdness, obscenity or vulgarity. Clothing advertising alcohol, drug or tobacco products is prohibited.
  8. The length of shorts must be within the bounds of decency and in good taste as appropriate for school. All shorts, skirts, and skorts must reach mid-thigh. Biker shorts shall not be worn as outer garments.

9. Any clothing, hairstyle, piercings, or styles of dress that may cause a threat, have a negative effect, or disrupt the educational process will not be permitted.
10. Shirts must be worn at all school activities including sporting events. Bare midriffs will not be allowed.
11. No baggy or sagging clothes are permitted. Pants must fit at the waist, hips, crotch and thighs. Belts must be tucked into the pant loop. No inappropriate holes or frays will be permitted.
12. Bandannas are not allowed at school or at school-sponsored events.
13. Towels, T-shirts, folded shirts or any other clothing article cannot be worn around the neck, draped over the shoulder, or hanging from the pocket.
14. Heavy chains that may pose a danger are prohibited.
15. Sports jerseys are not allowed on campus other than those with district/school logos effective 2014-2015.

Coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.

The dress code shall be modified as appropriate to accommodate a student's religious or cultural observance, health condition, or other circumstance deemed necessary by the principal or designee. In addition, the principal or designee may impose dress requirements to accommodate the needs of special school activities, physical education classes, athletic activities, and other extracurricular and cocurricular activities.

### **Gang-Related Apparel**

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. (Education Code 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. As necessary, the school shall collaborate with law enforcement agencies to update definitions of gang-related apparel.

# DISCIPLINE

## Definitions: (E.C. 48925)

**SUSPENSION** from school means the removal of a student from ongoing instruction for adjustment purposes. ***Parents will be notified when a student is suspended.***

**SUSPENDED EXPULSION** means suspending the *enforcement* of the expulsion order. During the period of the suspension, the pupil is deemed to be on probationary status. The governing board may revoke the suspension of an expulsion order if the pupil commits any of the act enumerated in Section 48900 or violates any of the district's rules and regulations governing pupil conduct. (E.C. 48917)

**EXPULSION** means removal of a student from the immediate supervision and control, or the general supervision, of school personnel.

**DAY** means a calendar day unless otherwise specifically provided.

**SCHOOL DAY** means a day upon which the schools of the district are in session or weekdays during the summer recess.

**STUDENT** includes a student's parent/guardian or legal counsel.

**PRINCIPAL'S DESIGNEE** means one or more administrators designated by the principal to assist with disciplinary procedures.

**SCHOOL PROPERTY**, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases.

## **NEXUS TO SCHOOL:**

Broad Jurisdiction: A student may be suspended or expelled for any act listed in Section 48900 et seq. If the act is:

1. Related to school activity or school attendance, and
2. Occurs within a school in the student's school district or within any other school district, and
3. Occurs at any time, including but not limited to:
  - a. While on school grounds.
  - b. While going to or coming from school.
  - c. During the lunch period whether on or off the campus.
  - d. During, or while going to or coming from, a school-sponsored activity.

Narrow Jurisdiction: For the then serious acts listed as MANDATORY RECOMMENDATION, a student may be suspended or expelled only if the act is committed:

1. At school or at a school activity off school grounds.

**DISCRETIONARY EXPULSIONS:** For all non-mandatory expulsions, the board must make at least one of the following findings, in addition to finding that the pupil committed the charged offense:

1. Other means of correction are not feasible.
2. Other means of correction have repeatedly failed to bring about proper conduct.
3. 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.



## **CAUSES FOR MANDATORY RECOMMENDATION FOR AN EXPULSION HEARING**

**Special Circumstances:** The education code mandates school sites to recommend an expulsion hearing in specific cases. This applies to the **five (5) mandatory expulsion hearing offenses** outlined in Ed. Code 48915(c):

**1) Possessing, selling, or furnishing a firearm**

**2) Brandishing a knife at another person**

**3) Unlawfully selling a specified controlled substance**

**4) Committed or attempted to commit sexual assault or committed sexual battery**

**5) Possession of an explosive**, federally defined as a “Destructive device” as described in 18 U.S.C. Section 921(a)(4). The term “destructive device” means – Any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than 1/4 ounce, mine, or device similar to any of the devices described in the preceding clauses; Any type of weapon (other than a shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and Any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

A conduct violation involving any of these five (5) offenses requires a mandatory expulsion hearing without exception. Parents will be notified when a student is being considered for expulsion. These are serious offenses and notification of appropriate law enforcement agency is required. The term of the expulsion can be considered for up to one (1) year from the date of the expulsion.

## **CAUSES FOR RECOMMENDED EXPULSION HEARING**

School administration may consider expulsion for students that violate other causes under the education code. The expulsion process is the same for both mandatory and recommended expulsion hearings. The term of a recommended expulsion can be from 1 to 2 semesters. Causes for a recommended expulsion hearing are:

**1. CAUSED SERIOUS PHYSICAL INJURY to another person, except in self-defense (E.C. 48915 and 48900 subsection (a)(2))** Serious bodily injury means a serious impairment of physical condition including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement. (P.C. 243)

**1st Offense:** 1-5 days suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

**2. POSSESSED, SOLD OR OTHERWISE FURNISHED ANY FIREARM, KNIFE, EXPLOSIVE, OR OTHER DANGEROUS OBJECT** unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred by the principal or the designee of the principal (E.C. 48915 and 48900, subsection (b)).

**1st Offense:** 1-5 days suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

**Note:** Possession of tear gas / tear gas weapon / pepper spray is considered a dangerous object. (Penal Code Sec. 12401, 12402) (E.C. 49330)

**3. FURNISHED A CONTROLLED SUBSTANCE** (as defined in the Health and Safety Code Section 11053 et seq.), an alcoholic beverage, or an intoxicant of any kind. (E.C. 48915 and E.C. 48900, sub-section (c))

**1st Offense:** 1-5 days suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

**4. POSSESSED ANY CONTROLLED SUBSTANCE** (as defined in the Health and Safety Code Section 11053 et seq.), except for the first offense of possession of not more than one ounce of marijuana, other than concentrated cannabis. (E.C. 48900, sub-section (c))

**1st Offense:** 1-5 days suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

**5. POSSESSED WITH INTENT TO SELL ANY CONTROLLED SUBSTANCE** (as defined in the Health and Safety Code Section 1.053 et seq.), an alcoholic beverage, or an intoxicant of any kind. (E.C. 48900, sub-section (c))

**1st Offense:** 1-5 days suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

**6. OFFERED, ARRANGED, OR NEGOTIATED TO SELL ANY CONTROLLED SUBSTANCE** defined in the Health and Safety Code Section 11053 et seq., alcoholic beverage, or intoxicant and then sold, delivered, or furnished look-alikes or in lieu of substances. (E.C. 48900, sub-section (d))

**1st Offense:** 1-5 days suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

**Note:** Furnishing or possessing an IMITATION CONTROLLED SUBSTANCE (LOOK-ALIKES) with the intent to distribute will result in a recommendation for expulsion. This offense is also in violation of Health and Safety Code 11680.

**7. COMMITTED OR ATTEMPTED TO COMMIT ROBBERY OR EXTORTION** (E.C.48900 sub-section (e))

**1st Offense:** 1-5 days suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

**8. THREATENED, ATTACKED, OR COMMITTED ASSAULT OR BATTERY ON SCHOOL PERSONNEL** (Penal Code Sec. 240,242) (E.C. 48915 and E.C. 48900, sub-section (a), E.C. 44014)

**1st Offense:** 1-5 days suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

**9. COMMITTED OR ATTEMPTED TO COMMIT A SEXUAL ASSAULT** as defined in Sections 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. (E.C. 48915 and (E.C. 48900, sub-section (n))

**1st Offense:** 1-5 days suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

**10. COMMITTED A TERRORISTIC THREAT** including but not limited to threats of, a bomb, abduction, sexual assault, shooting, or other violence where the threats directly name the school site, staff member, school equipment and/or property (EC 48900.7)

**1st Offense:** 1-5 days suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

**11. POSSESSED AN IMITATION FIREARM** a replica of a firearm that is as substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (E.C. 48900, sub-section m)

**1st Offense:** 1-5 days suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

## **CAUSES FOR HOME SUSPENSION ON FIRST OFFENSE**

The number of offenses and the consequences relating to discipline and extracurricular activities eligibility, for substance abuse violations carry over from year to year in grades 9-12, but not from middle school to high school. A school may have additional rules unique to its site as long as they do not conflict with the Student Conduct Code (E.C.35291.5)

### **DURING SUSPENSION:**

1. The student shall not report to school during the period of suspension, except in the case of in-school suspension, unless coming to the office on official business by prior arrangement with a school administrator. Student is expected to be under the supervision of a parent during school hours when serving suspension days at home. (7:00 a.m. - 4:30 p.m.)
2. The student is not to attend any school event or be on any school campus during suspension.
3. The responsibility of obtaining and doing classwork lies with the student. (Parents may contact the teacher to obtain classwork). The teacher may require the student to complete any assignments and tests missed during the suspension. The student shall not be denied the opportunity to make up work.

### **1. CAUSING OR ATTEMPTING TO CAUSE PHYSICAL INJURY OR USING FORCE OR VIOLENCE UPON ANOTHER PERSON** except in Self-defense. (E.C. 48900, sub-sections (a)(1) and (a)(2)).

**Note:** If a student caused serious physical injury (as defined in Penal Code Section 243) to another person, except in self-defense, the principal must recommend expulsion or report in writing to the Superintendent who will advise the Governing Board that expulsion is inappropriate due to the nature of the particular circumstances which shall be indicated in the report of the incident. (E.C. 4895)

### **2. POSSESSING USING, OR BEING UNDER THE INFLUENCE OF** an alcoholic beverage or intoxicant of any kind. Possessing not more than one ounce of marijuana. Using or being under the influence of Marijuana of any controlled substance (as defined in the Health and Safety Code Section 1053 et seq.). (E.C. 4895 and E.C. 48900, sub-section (c))

**1st Offense:** 2-5 days suspension and notification of appropriate law enforcement agency. May be recommended to attend a substance abuse counseling program. In addition, a **twenty (20) day suspension from extra-curricular activities will be enforced**. Suspended students give up their privilege to participate in any school-related functions/activities for a period of **twenty (20) school days**. (Ex: sports practice/games, band events, clubs, dances, graduation, agriculture events, etc. (AR 6145)) In the event that another suspension occurred before the end of the twenty (20) day period, another twenty (20) days will be added to their remaining days. The student must attend and complete a substance abuse counseling program, with a minimum of twelve (12) sessions. (BP 5131.6(c))

**Note:** If the student receives a five-day suspension, the suspension will be reduced to two (2) days if the student agrees to complete a site-approved intervention program. (If the student does not complete the program, alternative consequences will follow at the discretion of the site administration.)

**2nd Offense:** 3-5 days suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

**Note:** In addition, students appearing at school functions and having consumed or having in their possession alcoholic beverages or drugs may be handled by police action. (Penal Code Sec. 647) (Health and Safety Code Sec.11550).

### **3. UNLAWFULLY POSSESSING OR UNLAWFULLY OFFERING, ARRANGING, OR NEGOTIATING TO SELL ANY DRUG PARAPHERNALIA** as defined in Section 11014.5 of the Health and Safety Code (E.C. 48900, subsection j).

**1st Offense:** 2-5 days suspension and notification of appropriate law enforcement agency. May be recommended to attend a substance abuse counseling program. In addition, a **twenty (20) day suspension from extra-curricular activities will be enforced**. Suspended students give up their privilege to participate in any school related functions/activities for a period of **twenty (20) school days**. (Ex: sports practice/games, band events, clubs, dances, graduation, agriculture events, etc. (AR 6145))

In the event that another suspension occurred before the end of the twenty (20) day period, another twenty (20) days will be added to their remaining days. The student must attend and complete a substance abuse counseling program, with a minimum of twelve (12) sessions. (BP 5131.6(c))

**Note:** If the student receives a five-day suspension, the suspension will be reduced to two (2) days if the student agrees to complete a site-approved intervention program. (If the student does not complete the program, alternative consequences will follow at the discretion of the site administration.)

**2nd Offense:** 3-5 days suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

#### **4. UNLAWFULLY POSSESSING OR UNLAWFULLY OFFERING, ARRANGING, OR NEGOTIATING TO SELL THE PRESCRIPTION DRUG SOMA (E.C. 48900, subsection p).**

**1st Offense:** 2-5 days suspension and notification of appropriate law enforcement agency. May be recommended to attend a substance abuse counseling program. In addition, a **twenty (20) day suspension from extra-curricular activities will be enforced.** Suspended students give up their privilege to participate in any school-related functions/activities for a period of **20 school days.** (Ex: sports practice/games, band events, clubs, dances, graduation, agriculture events etc. (AR 6145)) In the event that another suspension occurred before the end of the 20 day period, another 20 days will be added to their remaining days. The student must attend and complete a substance abuse counseling program, with a minimum of twelve (12) sessions. (BP 5131.6(c))

**Note:** If the student receives a five-day suspension, the suspension will be reduced to two (2) days if the student agrees to complete a site-approved intervention program. (If the student does not complete the program, alternative consequences will follow at the discretion of the site administration.)

**2nd Offense:** 3-5 days suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

#### **5. FIRE-SETTING OR ATTEMPTED FIRE-SETTING including the activation of false alarms or tampering with emergency equipment (Penal Code Sec 447 and 455, 148.4) (E.C. 48900, subsection (f)).**

**1st Offense:** 1-5 days suspension

**2nd Offense:** 3-5 days suspension

**Note:** Fire-setting of any nature may lead to a recommendation for alternative education program or expulsion on the first offense. Fire-setting is never considered to be a prank. The burning of trash cans may lead to immediate and serious consequences.

#### **OTHER CAUSES RESULTING IN HOME SUSPENSION OR ALTERNATIVE CONSEQUENCES**

When "suspension" is indicated, the site administrator will determine whether the consequence should include, **but not be limited to**, school-based interventions, in-school suspension, home suspension, Saturday School, intervention group, detention, community service. Students may also be placed on a school behavior or gang behavior contract. Community service may include, but is not limited to, work performed on school grounds during non-school hours in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs and work performed in the community during non-school hours with written parent permission. (E.C. 48900.6)

Law enforcement agencies may be notified at the discretion of the administration.

If the nature of the offense is serious enough to warrant an alternative education placement or expulsion recommendation appropriate, the student may be suspended five (5) days for the infraction.

A student may be suspended on the first offense if it is determined that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process. (E.C. 48900.5)

The number of offenses and the consequences relating to discipline and extracurricular activities eligibility, for substance abuse violations, carry over from year to year in grades 9-12, but not from middle school to high school. A school may have additional rules unique to its site as long as they do not conflict with the Student Conduct Code (E.C.35291.5)

**GANG-RELATED BEHAVIOR** - The following is considered gang behavior:

- **Showing colors;** blue, red, burgundy. For example, wearing a blue shirt, blue belt, or a team jacket in a certain way that aligns the student with a particular gang. Your son/daughter will not be allowed to wear gang related apparel or any other items that are associated with gang behavior.
- **Hand signs.** Making particular hand gestures signals gang association or action.
- **Nicknames/Moniker.** Individual gang names used are usually attached to some perceived attribute the member may have for gang purposes. The nickname tends to fit physical or psychological characteristics.
- **Tattoos.** Most gang-related tattoos are found on the member's hands, forearms, and occasionally, the face. The tattoos vary depending on the age of the gang member.
- **Graffiti.** Graffiti includes written and/or spray-painted words, slurs, or challenges.
- **Physical/verbal confrontations.** Conflicts may involve one or more members against rival gang members.
- **Grouping Together (Mobbing):** What is mobbing? A target is selected and bullied (mobbed) **by a group of people rather than by one individual.** A ringleader incites supporters, cohorts, copycats to engage in adversarial interaction with the selected target. The ringleader, or chief bully, gains gratification from encouraging others to engage in adversarial interaction with the target. Many people use the word "mobbing" to describe this pack attack by several individuals on one individual. Once mobbing is underway the chief bully incites the mobbing into mutually assured destruction.

**INFRACTIONS THAT MERIT EITHER A WARNING, ALTERNATIVE CONSEQUENCES, OR SUSPENSION UP TO 5 DAYS**

*The following rubric may be used as a guide for determining the consequence for the following infractions. **However, the administrator may bypass one or more steps if it is believed the infraction merits more serious consequences:***

**1st Offense:** Warning, Alternative Consequence, and/or 1-3 days suspension

**2nd Offense:** Parent Conference, Alternative Consequence and/or 1-3 days suspension

**3rd Offense:** Contact Parent, Alternative Consequence and/or 1-3 days suspension

**4th Offense:** Contact Parent, Referral to Counselor, Alternative Consequence and/or 1-3 days suspension

**5th Offense:** Contact Parent, Referral to Counselor/Psychologist, Alternative Consequence and/or 1-3 days suspension

**6th Offense:** Contact Parent, Referral to Counselor/Psychologist, Alternative Consequence and/or 3-5 days suspension and/or recommendation for alternative education program or expulsion

**1. WILLFUL DEFIANCE OR DISRUPTION OF THE SCHOOL OR INTERFERING WITH THE PEACEFUL CONDUCT OF THE CAMPUS OR CLASSROOM** (Penal Code Sec. 48.E) (E.C. 48900, sub-section (k))

**1st Offense:** Warning or Alternative Consequences.

**2. CAUSING OR ATTEMPTING TO CAUSE DAMAGE TO PROPERTY** - cutting, defacing, or otherwise injuring any school District property, or the malicious injury or destruction of any other person's real or personal property. "School property" includes, but is not limited to, electronic files and databases, (Penal Code Sec. 594) (E.C. 48900, sub-section (f))

**Note:** Parent/guardian will be held responsible for damage to District property. When the minor and parent are unable to pay for the damages, the District shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Parents or guardian of the student are also liable for the amount of a reward paid for information leading to the apprehension of person(s) causing damage. (E.C. 48904)

**3. USE OF TECHNOLOGY**, including but not limited to cell phones, computers, and other devices, **TO TRANSMIT, RECEIVE, OR POSSESS MATERIAL THAT IS SEXUALLY EXPLICIT OR PORNOGRAPHIC**. For the purpose of threatening to cause or causing physical or emotional harm or property damage. May include technological communications occurring during non-school hours or off-campus but which have an impact on attendance, the educational atmosphere of the school, or school safety. (E.C. 48900, sub-sections, (i), (r), and .2)

**4. THREATENING INTIMIDATING, MENACING OR HARASSING (INCLUDING SEXUAL HARASSMENT OR DISCRIMINATORY CONDUCT) ANY OTHER PERSON** (E.C. 48900 subsection (a)(1) and/or (k)) (E.C. 48900.2) (E.C. 48900.4) (BP & AR 5145.3) Possible removal from campus or separation of the student.

**Note:** In the event, an allegation of sexual harassment is not resolved informally to the satisfaction of a complainant, the complainant may use the District complaint process for formal resolution of such complaints.

**5. COMMITTING AN OBSCENE ACT OR ENGAGING IN HABITUAL PROFANITY OR VULGARITY, INCLUDING RACIAL/ETHNIC SLURS** either verbally or in writing. (E.C. 48900, sub-section (l)) (BP & AR 5145.3)

**Note:** Any act committed against school staff would warrant consequences starting at Step 2. A student will be suspended on the first offense for five (5) days if such behavior disrupts school activities, threatens to disrupt the instructional process, or causes a danger to persons or property, (E.C. 48900, Sub-section (k))

**6. ENGAGING IN, OR HAVING ANY PART IN HAZING** or committing any act that injures, degrades, or disgraces any other person attending school. Causing, attempting to cause, threatening to cause, or participating in an act of hate violence. (E.C. Sec. 32050-52) (E.C. 233) (E.C. 48900, subsections (a)(1) and (q)). (E.C. 48900.3)

**7. STEALING OR ATTEMPTING TO STEAL SCHOOL PROPERTY OR PRIVATE PROPERTY** "School property" includes, but is not limited to, electronic files and databases, (E.C. 48900 sub-section (g))

**8. KNOWINGLY RECEIVING STOLEN SCHOOL PROPERTY OR PRIVATE PROPERTY** "School property" includes, but is not limited to, electronic files and databases. (E.C. 48900 sub-sections (g), (l))

**9. ANY ACT OF DEFIANCE OR DISOBEDIENCE** either in language or in action against School personnel, refusing to comply with the reasonable requests or orders of school personnel. (E.C. 48900, sub-section (k))

**10. ENGAGED IN AN ACT OF BULLYING** including but not limited to, bullying committed by means of an electronic act as defined in subdivisions (f) and (g) of section 32261, directed specifically toward a pupil or school personnel. (E.C., 48900, subsection (r)).

**Note:** Depending on the act, the student may be suspended or recommended for expulsion.

**11. RECKLESS DRIVING** (E.C. 48900, sub-section (k))

**12. FORGING, FALSIFYING, ALTERING, OR USING FORGED SCHOOL CORRESPONDENCE OR PASSES** (E.C. 48900, sub-section (k))

**13. VIOLATING THE COMPUTER AND NETWORK ELECTRONIC INFORMATION POLICY** (E.C. 48900, subsection (k)) (BP 6163.4 (a) and (Penal Code Sections 502,313(a), 632)

**Note:** Any infraction that may constitute a breach in network security or damage to the network, may result in disciplinary action including a recommendation for alternative education program or expulsion and notification of law enforcement on the first offense.

**14. POSSESSING OR USING TOBACCO** (or any products containing tobacco or nicotine products including e-cigarettes) in grades 9-12. (E.C. 48900, subsection (h)) Tobacco and nicotine products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. Electronic smoking devices (e-cigarettes, vapor pens) E.C. 48011, subsection (h))

**Note:** No school shall permit the smoking or use of tobacco, or any product containing tobacco, or nicotine products, by pupils of the school while pupils are on campus, or while attending school-sponsored activities or while under the supervision and control of School District employees. (E.C. 48901) Confiscated materials will not be returned to students, but will be returned to the parents if requested within five (5) days of the incident.

**15. FAILING TO IDENTIFY ONESELF** or giving false information to school personnel. (E.C. 48900, sub-section (k))

**16. TAMPERING WITH PROPERTY OF THE SCHOOL, DISTRICT** or belongings of any other person. (E.C. 48900, sub-section (k))

**17. CHEATING OR PLAGIARIZING ON SCHOOL ASSIGNMENTS** (E.C. 48900, sub-section (k)), (BP 5131.9)

**19. GAMBLING AND WAGERING** or habitually being present where gambling and wagering are taking place. (E.C. 48900, sub-section (k))

**20. LOITERING ON OR ABOUT ANY CAMPUS** without apparent lawful purpose, (E.C. 48900, sub-section (k)) (Penal Code 653G and 627)

**Note:** A student may be subject to arrest according to Penal Code 653G if he/she loiters at or near any school or public place at or near where students attend or normally congregate, or re-enters or comes upon such school or place after being asked to leave by a school official. Punishment for loitering includes a fine not to exceed \$1,000 and/or imprisonment in the county jail not to exceed six (6) months.

**21. ANY DRESS, GROOMING, OR APPEARANCE** which disrupts, or tends to disrupt the educational process, or affect the health or safety of individuals shall be prohibited. (E.C. 48900, subsection (k)) (E.C. 35161, 35183, 35291.5, 35294.1; Calif. Code Regs., Title 5, Section 302)

**Note:** In addition to the Dress Code listed on page 5, schools may have additional rules approved by School Safety Committees School Site Council, Principals also have the discretion to prohibit any attire that is not described, or listed in the Dress Code and can also make reasonable exceptions to the Dress Code for Special days or special events.

**22. POSSESSING OF ANY OBJECT NOT OF A DANGEROUS NATURE** (i.e. Bluetooth speakers, cameras or other items a school administrator identifies as disruptive) (E.C. 48900, sub-section (k)) (Unless in the case of possession of any such object, 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.)

**Note:** An unauthorized object will be confiscated by school authorities, Object will be returned to the parent/guardian, not the student.

**23. POSSESSING OR USING ANY ELECTRONIC SIGNALING DEVICE** high school students may possess and use electronic communication devices on school district property and at school-sponsored activities under the conditions listed below. Electronic signaling devices may include, but are not limited to, pagers, beepers, and cellular/digital telephones. Electronic communication devices may be used on school grounds before and after the official instructional day and during the student's lunch period and health break. Electronic communication devices must be turned off during class time. No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Ed. Code 48901.5) It is the student's responsibility to ensure that their devices are turned off and secured at all times. The Tulare Joint Union High School District is not responsible for lost, stolen, or damaged electronic communication devices or any charges incurred as a result.

**Note:** Students who violate these rules and regulations may be subject to discipline including suspension, expulsion or transfer to alternative programs.

**24. BEHAVIOR ON DISTRICT TRANSPORTATION:** Decisions about discipline regarding transportation will be a collaborative effort between transportation and school administration. Consequences range from warning to loss of bus privileges.

**Note:** Depending on the seriousness of the act, the student may lose bus privileges for the remainder of the school year on the first or succeeding offenses.

## **25. THE SALE OF FOOD AND/OR DRINK FOR PERSONAL PROFIT UNLESS PERMISSION HAS BEEN OBTAINED BY THE DISTRICT'S NUTRITION SERVICES**

**Note:** Students who violate these rules and regulations may be subject to discipline including suspension or transfer to alternative programs.

### **RIGHT OF APPEAL AND DUE PROCESS**

You have the right to appeal a suspension by requesting a meeting, with the principal, within ten (10) school days. You also have the right to see any and all records pertaining to your student within five (5) school days of your request for access.

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

### **SUSPENSION APPEAL PROCESS**

#### **Timelines**

A suspension appeal to the site principal must be requested within five (5) school days following the first day of suspension. The principal shall hear the appeal within five (5) days after the appeal request has been lodged. In cases where the site principal was involved in the suspension decision, due to the absence of the assistant principal, the appeal request would be lodged with the appropriate Assistant Superintendent. The Assistant Superintendent shall hear the appeal within five (5) school days after the appeal request has been lodged. The scope of the review is limited to the following four areas:

1. Did the school act without or in excess of its jurisdiction?

a. Was the suspension based on an enumerated suspendable offense?

Disciplinary action will be taken if a student's behavior is disruptive to the instructional process or causes a danger to persons or property even though the offense is not defined in the Student Conduct Code.

b. Were the student's acts related to school activity or attendance?

While on school grounds. While going to or coming from school. During the lunch period whether on or off the campus, during, or while going to, or coming from, a school sponsored activity. (E.C. 48900)

2. Was the student told why he/she was being suspended and provided with an explanation of the evidence that indicates he/she committed the offense?

a. Was the student afforded the opportunity to tell his/her side of the story and produce any evidence he/she may have to support it?

3. Was there prejudicial abuse of discretion in the suspension decision?

4. Is there other relevant or new material evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded?

#### **Decision**

If the site principal overturns the suspension decision, all information related to the suspension will be deleted from the student's record. The decision of the site principal shall be final.



## **ACADEMIC HONESTY / CHEATING**

### **(Regulation 5131.9)**

The following does not purport to be an all-inclusive definition of cheating, nor a complete solution to a problem which must be faced by each person as an individual. However, in the interest of the students, the district commits itself to the repression of cheating on district campuses by encouraging honest efforts as well as by vigilance in student control.

Cheating is defined as obtaining or providing any help on an assignment or test where the intent was that the student complete the assignment or test by himself/herself. Examples of cheating would be:

1. Using a form of "cribbing" (cheat sheet) method during a test.
2. Willfully misgrading another student's paper.
3. Allowing another student to use one's paper during a test, thus providing either the questions or answers to the test.
4. Preparing written assignments by copying material from a book or other material, or from the work of another student, without recognizing the source.

The use of a test from earlier year for study purposes is not to be considered cheating.

Cheating should not be ignored or condoned. Since it concerns the whole class, cheating should be uncovered where it exists, docking of the grade of the paper concerned should be automatic, and any additional punishment which the teacher feels is warranted should be given to the student involved.

## **STUDENT HARASSMENT AND DISCRIMINATION (BULLYING POLICY)**

### **(Prohibited by Law and by Tulare Joint Union High School District's Board Policy 5145.3, 5145.7 and 5145.9)**

The Board of Education will **NOT** tolerate harassment or discrimination and will make efforts to maintain school free from this type of behavior. Any and all forms of harassment or discrimination based on race, ethnic group, religion, gender, color, race, ancestry, national origin, and physical or mental disability, age or actual or perceived sexual orientation which includes perceptions of a person's identity, appearance, or behavior is expressly prohibited.

### **TULARE JOINT UNION HIGH SCHOOL DISTRICT'S BOARD POLICIES**

1. Prohibits harassment/discrimination of any student by any employee, student, or other person in, or from the District.
2. Expects students or staff to immediately report incidents of harassment or discrimination to a site administrator or to the Title IX Coordinator: **Tammy Aldaco, Assistant Superintendent, Human Resources, 426 N Blackstone St., Tulare CA 93274, (559) 688-2021, [tammy.aldaco@tulare.k12.ca.us](mailto:tammy.aldaco@tulare.k12.ca.us)**
3. Each site administrator has the responsibility of maintaining an educational and work environment free of harassment and discrimination.
4. Each harassment complaint shall be promptly investigated in a way designed to respect the privacy of all parties concerned. This responsibility includes discussing this policy with his/her students and employees and assuring them that they NEED NOT endure sexually insulting, degrading, exploitative treatment, or any other form of sexual harassment or discrimination.

### **EXAMPLES OF HARASSMENT:**

Harassment may occur as a pattern of degrading sexual speech or action ranging from verbal or physical annoyances, distractions to deliberate intimidations, frank threats, or sexual demands. Forms of harassment include, but are not limited to the following:

- **Verbal Harassment**- Derogatory comments, jokes, or slurs, graphic verbal abuse of a racial or sexual nature; comments about an individual's body of dress, sexual preferences, sexual conduct, sexual orientation, or gender preference; racial/sexual degrading words used to demean, label, or describe an individual; or spreading sexual rumors.
- **Physical Harassment** - Unnecessary or offensive touching, or impeding or blocking movement.
- **Visual Harassment** - Derogatory or offensive posters, cards, cartoons, graffiti, drawings, or gestures; suggestive or obscene letters, notes, or invitations; the display in the educational environment of or sexually suggestive objects or racially derogatory pictures.
- **Sexual Favors** - Unwelcome sexual advances, requests for sexual favors, unwelcome sexual flirtations, or propositions.

5. Retaliation - The District prohibits retaliatory behavior against any complainant.

6. Electronic Harassment -The use of text messages, email, internet postings such as MySpace or Facebook to make libelous, degrading, hateful, hurtful, or any type of derogatory remark about a student or staff member.

### **SEXUAL HARASSMENT** (E.C. 212.5)

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from, or in, the work or educational setting under any of the following conditions:

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

### **SEXUAL ORIENTATION HARASSMENT AND DISCRIMINATION**

Harassment or discrimination based on sexual orientation and gender, which includes perceptions of a person's identity, appearance, or behavior, is expressly prohibited under VUSD policies and state law, including Education Code Section 220 and Penal Code sections 422.6 and 422.76. The prohibition on retaliation, the consequences for sexual harassment, and the grievance complaint procedures applicable to sexual harassment are equally applicable to harassment or discrimination [Regulation 6164.6: Identification And Education Under Section 504](#) based on sexual orientation.

### **BULLYING** (BP 5131.2)

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

**CYBERBULLYING** includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images as defined in Education Code 48900. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation. (cf. 5145.9)

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans. (cf.6163.4)

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the District has developed a means for students to report threats or incidents confidentially and anonymously. Use the following hotline to make an anonymous report. **Sprigeo Hotline** - <http://app.sprigeo.com>

## **SUICIDE PREVENTION** (BP 5141.52)

The Board of Trustees 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 counselor, school psychologists, school social workers, administrators, other staff, parents/guardians, students, suicide prevention experts, local health agencies, mental health professionals, community organizations.

Students shall be encouraged to notify a teacher, principal, counselor, or another adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Every statement regarding suicidal intent shall be taken seriously. Whenever a staff member suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm, the staff member shall promptly notify the principal or school counselor, who shall implement district intervention protocols as appropriate.

Although any personal information that a student discloses to a school counselor shall generally not be revealed, release, reference, or discussed with third parties, the counselor may report to the principal of student's parent/guardians when there is reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or other within the school community. In addition, the counselor may disclose information of a personal nature to psychotherapists, other health care providers, or the school nurse for the sole purpose of referring the student for treatment. (E.C. 49603)

**National Suicide Prevention Lifeline: (800) 273-8255**

**Crisis Text Line: Text HOME to 741741 to connect with a Crisis Counselor**

**Local Suicide Prevention Lifeline: (800) 320-1616**

## **HATE MOTIVATED BEHAVIOR** (BP5145.9)

The Board of Trustees is committed to providing a safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. Such collaborative efforts shall focus on ensuring an efficient use of district and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

## **Uniform Complaint Procedures (UPC) Grievance Procedure** **Administrative Regulation 1312.3**

Except as may otherwise be specifically provided in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.

### **Compliance Officers**

The district designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in AR 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment.

**Tammy Aldaco, Assistant Superintendent, Human Resources and Business**  
**District Office**  
**426 North Blackstone**  
**Tulare, California 93274**  
**(559) 688-2021**  
**tammy.aldaco@tulare.k12.ca.us**

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. A requirement that if school personnel witness an act of discrimination, harassment, intimidation, or bullying they shall take immediate steps to intervene when safe to do so. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

## Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, homeless students, children of military families, and former juvenile court school students now enrolled in the district, as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of the district's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.6 shall be posted on the district and district school web sites and may be provided through district-supported social media, if available.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

### **Filing of Complaints**

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4600)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

### **Mediation**

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

### **Investigation of Complaint**

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate

intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

### **Timeline for Investigation Report**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

### **Investigation Report**

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.



For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

### **Corrective Actions**

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, the district shall take appropriate disciplinary action, up to and including dismissal,

in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

### **Appeals to the California Department of Education**

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the district's investigation report are not supported by substantial evidence.
4. The legal conclusion in the district's investigation report is inconsistent with the law.
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP

## 6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

## **Uniform Complaint Procedures**

### **Board Policy 1312.3:**

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

### **Complaints Subject to UCP**

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8488)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
11. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)

14. Migrant education (Education Code 54440-54445)
15. Physical education instructional minutes (Education Code 51210, 51222, 51223)
16. Student fees (Education Code 49010-49013)
17. Reasonable accommodations to a lactating student (Education Code 222)
18. Regional occupational centers and programs (Education Code 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
20. School safety plans (Education Code 32280-32289)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
22. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
23. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

### **Non-UCP Complaints**

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)
8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

## **504 Grievance Procedure**

### **Identification and Education Under Section 504 – Administrative Regulation 6164.6**

The Superintendent designates the following position as the district's 504 Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973: (34 CFR 104.7)

**Roger Robles, Director of Special Education**  
**426 North Blackstone**  
**Tulare, California 93274**  
**(559) 687-7351**

#### **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 students 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 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. (34 CFR 104.32)

## **Identification And Education Under Section 504 – Board Policy 6164.6**

The Board of Trustees believes that all children, including children with disabilities, should have the opportunity to learn in a safe and nurturing environment. The Superintendent or designee shall work to identify children with disabilities who reside within the jurisdiction of the district in order to ensure that they receive educational and related services required by law.

The Superintendent or designee shall provide qualified students with disabilities with a free appropriate public education (FAPE), as defined under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of students without disabilities are met. (34 CFR 104.33)



In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

The district's local control and accountability plan shall include goals and specific actions to improve student achievement and other outcomes of students with disabilities. At least annually, the Superintendent or designee shall assess the district's progress in attaining the goals established for students with disabilities and shall report these results to the Board. (Education Code 52052, 52060)

In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure district compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the "Procedural Safeguards" section of the accompanying administrative regulation.

The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

## **ATTENDANCE EXPECTATIONS AND CONSEQUENCES**

Education is an opportunity and a right. If students do not exercise their right to attend school, they have limited their opportunity for the basic education necessary to become mature, knowledgeable, and productive members of society. Absenteeism has a direct, negative effect on student achievement, promotion, graduation, behavior, and employment potential. It has been well demonstrated that regular attendance is a key factor in the success a student achieves at school.

### **ABSENCE REPORTING**

The PARENT or GUARDIAN of a pupil is required to provide an explanation for a pupil's absence. This explanation is required no later than the day following the absence. (CCR Title 5, Sec. 306)

**Method of Verification** When a student who has been absent returns to school, he/she shall present a satisfactory explanation verifying the reason for the absence. Absences shall be verified by the student's parent guardian, other person having control of the minor, or the student if age 18 or older. (EC 46012; CCR Title 5, Sec. 306) The following methods may be used to verify student absences:

1. Written note, fax, email, or voicemail from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent guardian or parent representative.

The employee shall subsequently record the following:

- a. Name of the student
  - b. Name of the parent guardian or parent representative
  - c. Name of the verifying employee
  - d. Date(s) of absence
  - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in item #2 above.
  4. Physician's verification.
    - a. When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
    - b. When a student has had 4 absences in the school year for illness verified by methods listed in numbers 1-3 above, any further absences for illness shall be verified by the physician.

## **ABSENCES-ASSIGNMENT MAKE-UP ALLOWED**

**1. EXCUSED ABSENCES** (CCR Title 5, Sec. 420) Absences listed below are excused when verified in accordance with the Education Code and Board Policy:

- a. Personal Illness. (EC 48205)
- b. Quarantine directed by county or city health officer. (EC 48205)
- c. Medical, dental, and optometric appointments: (EC 48205)
  - i. Students are encouraged to make medical appointments after school hours whenever possible.
  - ii. Students will be released for and receive excused absences for appointments only on the written approval of parents or guardians.
  - iii. The only exception shall be for those students whose parents or guardians have provided annual written consent to the school to release and excuse their child(ren) upon doctor verification.

- d. Attending funeral services of a member of the pupil's immediate family, so long as such absence is not more than one (1) day if the service is conducted in California and not more than three (3) days if the service is conducted outside of California. *Immediate family* shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister, of any relative living in the student's immediate household. (EC 45194, 48205)
- e. Student jury duty in the manner provided by law. (EC 48205)
- f. The illness or medical appointment during school hours of a child to whom the student is the custodial parent (EC 48205)

Note: Students shall be permitted to make up missed school assignments. Students shall be allowed two (2) school days for each day of absence to make up the work. The time for make-up may be extended by the teacher. Responsibility for requesting missed work lies with the student. Upon satisfactory completion, within the time frame, the student will be given the full credit earned.

## **2. ABSENCES EXCUSED FOR PERSONAL REASONS (PRIOR APPROVAL REQUIRED)** (E.C. 48205)

- a. A pupil's absence shall be allowed provided the absence is for one of the following justifiable personal reasons:
  - i. An appearance in court.
  - ii. An employment conference.
  - iii. A pupil family hardship situation, as authorized by the principal.
  - iv. An observance of a holiday or ceremony of the pupil's religion.
  - v. Attendance at religious retreats not to exceed four (4) hours per semester.
  - vi. Attending a funeral service of a person who is not an immediate family member.
  - vii. Attendance at an educational conference offered by a nonprofit organization on the legislative or judicial process.
  - viii. To spend time with his/her 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 support position or is on leave from or has immediately returned from such deployment (EC 46014)
- b. PRIOR to an absence described in this regulation, a signed parental request must be received and approved by the principal or administrative designee.
- c. Only in the case of extreme emergency will the principal approve an absence after the absence occurs.

Note: A pupil whose absence is excused according to the above conditions shall be allowed make-up privileges. Students shall make arrangements with the teacher to make up missed work prior to the absence.

Students shall be allowed two (2) school days for each day of absence to make up the work. The time for make-up may be extended by the teacher. Responsibility for requesting missed work lies with student. Upon satisfactory completion, within the time frame, the student will be given the full credit earned.

**3. ABSENCES EXCUSED/RELEASE TIME FOR RELIGIOUS EDUCATION (PRIOR NOTIFICATION REQUIRED)** (E.C. 46014)

The District will allow release time for students to participate in religious exercises or to receive moral and religious instruction. A student's absence will be considered excused, with full rights to make up tests and homework, if the following conditions are complied with:

- a. The student has the written consent of his/her parent or guardian indicating the time the student is to be released from school. The written consent must be submitted to the school two (2) days prior to release from school.
- b. Verification of attendance at the designated exercise is provided to the school on the first day after the absence.
- c. Each pupil so excused shall attend school at least the minimum school day for his grade for elementary schools, and as provided by the relevant provisions of the rules and regulations of the State Board of Education for secondary schools.
- d. No pupil shall be excused from school for such purpose on more than four (4) days per school month.  
Note: Students shall make arrangements with the teacher to make up missed work prior to the absence, Students shall be allowed two (2) school days for each day of absence to make up the work. The time for make-up may be extended by the teacher. Responsibility for requesting missed work lies with student. Upon satisfactory completion, within the time frame, the student will be given the full credit earned.

**4. ABSENCES FOR ENTERTAINMENT INDUSTRY** (E.C. 48225.5 (a) 1-2 (b-e))

A pupil working in the Entertainment or Allied industry or participating with a not-for-profit performing arts organization in a performance for a public school pupil audience shall be excused from school for a maximum of up to five absences per school year, Students absent under this section shall be permitted to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion, shall be given full credit earned

**5. ABSENCES FOR LICE**

District policy provides for students absent because of lice infestation to be excused from school for a maximum of three consecutive days. On the fourth consecutive day of absence, a student will be marked unexcused and may be subject to monitoring by the School Attendance Review Board (SARB). (E.C. 48320-48324, 48292-48293)

**6. UNEXCUSED ABSENCES FOR PERSONAL REASON MADE UP IN SATURDAY SCHOOL** (NO PRIOR APPROVAL) (E.C. 37223, 48205)

Students who are absent for personal reasons and who did NOT receive prior approval from the school administrator may be assigned to Saturday School to make up class work missed because of the unexcused absence.

**7. SUSPENSION (HOME AND IN-SCHOOL ASSIGNMENT MAKE-UP)** (E.C. 48913)

A suspended student may be allowed to complete comparable assignments. The responsibility of obtaining and doing class work lies with the student, (Parents may contact the teacher to obtain classwork) the teacher may require the student to complete any assignments and tests missed during the suspension. The student shall not be denied the opportunity to make up work and to have made-up work calculated in the course grade.

## **8. CONFIDENTIAL MEDICAL SERVICES** (E. C. 46010.1)

School authorities may excuse any student in grades 9-12 from school to obtain confidential medical services without the consent of the student's parent/guardian. (E.C. 4600.) (cf. 5145.6 - Parental Notifications)

## **9. PREGNANT AND PARENTING STUDENT RIGHTS** (EC §§ 221.51, 46015)

The District cannot apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. The District cannot exclude or deny any student from any educational program or activity, including class or extracurricular activity, solely on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

The District may require any student to obtain the certification of a physician or nurse practitioner that the student is physically and emotionally able to continue participation in the regular education program or activity.

Pregnant/parenting students cannot be required to participate in pregnant minor programs or alternative education programs. Pregnant/parenting student who voluntarily participate in an alternative education programs will be given educational programs, activities, and courses equal to those they would have been in if participating in the regular education program.

The District must treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disabling condition.

Pregnant/parenting students are entitled to eight (8) weeks of parental leave, which the student may take before the birth of the student's infant, if there is a medical necessity, and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction, in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant/parenting student to care for and bond with the infant. The student, if the student is 18 years of age or older, or, if the student is under 18 years of age, the person holding the right to make educational decisions for the student, shall notify the school of the student's intent to exercise this right. Failure to notify the school shall not reduce these rights. A pregnant/parenting student who does not wish to take all of part of the parental leave to which he/she is entitled shall not be required to do so. A pregnant/parenting student is entitled to receive more than eight (8) weeks of parental leave if deemed medically necessary by the student's physician.

When a student takes parental leave, the supervisor of attendance shall ensure that absences from the student's regular school program are excused until the student is able to return to the regular school program or an alternative education program. During parent leave, the District shall not require a pregnant or parenting student to complete academic work or other school requirements.

A pregnant/parenting student may return to the school and the course of study in which he or she was enrolled before taking parental leave. Upon return to school after taking parental leave, a pregnant/parenting student is entitled to opportunities to make up work missed during his/her leave, including, but not limited to, makeup work plans and reenrollment in courses.

Notwithstanding any other law, a pregnant/parenting student may remain enrolled for a fifth year of instruction in the school in which the student was previously enrolled, when it is necessary, in order for the student to be able to complete state and any local graduation requirements, unless the District makes a finding that the student is reasonably able to complete the District's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.

A student who chooses not to return to the school in which he/she was enrolled before taking parental leave is entitled to alternative education options offered by the District. A pregnant/parenting student who participates in an alternative education program shall be given educational programs, activities, and courses equal to those he/she would have been in if participating in the regular education program.

A student shall not incur an academic penalty as a result of his/her use of these accommodations. A complaint of noncompliance with these requirements may be filed with the District under its UCP.

## **TRUANCY, EXCESSIVE ABSENTEEISM, TARDINESS**

**(E.C. 48269-48263, 48900(k), 49164)**

### **Definitions:**

**Chronic absentee** means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular schools of the district, exclusive of Saturdays and Sundays, (EC 60901)

**Truant** means a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period of time during the school day without a valid excuse on three occasion in one school year, or any combination thereof.

**Habitual Truant** means a student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and his/her parent guardian. (EC 48262, 48264.5)

### **Addressing Chronic Absence**

When a student is identified as a chronic absentee, the attendance supervisor shall communicate with the student and his/her parents/guardians to determine the reason(s) for the excessive absences, ensure the student and parents/guardians are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's attendance.

The student may be referred to a student success team or school-site attendance review team to assist in evaluating his/her needs and identifying strategies and programs to assist him/her. A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or educational options as appropriate.

Whenever chronic absenteeism is linked to a health issue or non-school condition, the attendance Supervisor may recommend school or community resources and/or collaborate with community agencies and organization to address the needs of the student and his/her family.

Students may not be absent from school without verified approval of a parent guardian or the school. The following represents the procedures which will be followed when a student is absent from school without a valid excuse or is tardy without the school's approval in excess of thirty (30) minutes.

### **First Incident of Truancy (See definition of "Truant" above)**

The student shall be reported to the attendance supervisor. (EC 48260) The student and parents will be notified of the mandatory attendance laws and the District's pertinent policy and procedures. The student will be instructed to attend all classes. The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator, or attendance supervisor or his/her designee under Education Code 48264 if found away from home and absent from school without a valid excuse. The student may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to Vehicle Code 13202.7. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day. Student will be informed that a work permit will not be issued or will be revoked if the student reaches the 4th step.

The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (EC 48264.5)

The student and, as appropriate, his/her parent/guardian may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance. (EC 48264.5)

### **Second Incident of Truancy**

Any student who has been reported as a truant shall again be reported to the attendance supervisor as a truant if he/she is

absent from school without a valid excuse on one or more days or is tardy 30 minutes or more on one or more days during the school year. (EC 48261) The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (EC 48264.5) The student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to consequences under "Third Incident of Truancy" below. (EC 48264.5)

The appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and his/her parent/guardian by communicating with the parent/guardian at least once using the most cost effective method possible which may include email or a telephone call. (EC 48262) The student may be given a written warning by a peace officer. A record of that warning may be kept at the school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. (EC 48264.5)

The attendance supervisor shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's attendance problems.

### **Third Incident of Truancy** (Habitual Truant):

- a. A student who is habitually truant, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school, may be referred to, and required to attend, a school attendance review board (SARB) program, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the district's attendance supervisor. (EC 48263, 48264.5)
- b. Upon making a referral to the School Attendance Review Board (SARB) or the probation department, the attendance supervisor shall provide the student and parent/guardian, in writing, the name and address of the School Attendance Review Board (SARB) or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required to meet with the SARB or a probation officer to consider a proper disposition of the referral. (EC 48263)
- c. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to the procedures under "Fourth Incident of Truancy" listed below.
- d. If the attendance supervisor determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or his/her parents/guardians have failed to respond to the directives of the district or to services provided, that attendance supervisor may so notify the district attorney and/or probation officer.

### **Fourth Incident of Truancy**

Upon a student's fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court. (EC 48264.5; W&I 601) The student will be referred to a school administrator/designee, and the student will once again be reported as a legal truant (E. C. 48260).

The student may be referred to the local School Attendance Review Board (SARB). If the local SARB/attendance supervisor determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or his/her parents/guardians have failed to respond to the directives of the School Attendance Review Board (SARB), the attendance supervisor may notify the district attorney.

## **EXCESSIVE ABSENTEEISM**

### **Absence for 10 percent of school days (Chronic Absenteeism)**

The Governing Board believes that excessive student absenteeism and tardiness, whether caused by excused or unexcused absences, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education laws and take full advantage of educational opportunities provided by the district.

Students identified as habitual truants or chronically absent shall be subject to the interventions specified in law and administrative regulation. A student's truancy, tardiness, or other absence from school shall not be the sole basis of his/her out-of-school suspension or expulsion. Alternative disciplinary strategies and positive reinforcement for attendance shall be used whenever possible.

1. The attendance supervisor shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's attendance problems.
2. If a chronically absent student is at least 6 years old and is in any of the grades K-8, the attendance supervisor shall notify the student's parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1. A conviction under this section requires a fine of up to \$2,000 and/or incarceration in county jail for up to one year. (Penal Code 270.1)
3. A school administrator may place the student on Attendance Supervision which imposes a requirement that additional absences must be verified by a licensed medical practitioner. (CCR Title 5 sec. 421 b)

### **TARDIES**

One of the responsibilities of each student is to be in the classroom in his/her seat or work-station when the bell rings or when class is to begin. Being tardy is irresponsible behavior in that it is disruptive to the learning process.

### **SATURDAY SCHOOL** (E.C. 37223)

The Governing Board of any elementary, high school, or unified school district may maintain classes on Saturday. The School District's Board of Education approves such classes when appropriate and practicable.

The classes may include MAKE-UP CLASSES FOR UNEXCUSED ABSENCES occurring during the week.

Attendance at classes conducted on Saturday shall be at the election of the pupil or, in the case of a minor pupil, the parent or guardian of the pupil. However, the Governing Board may require students, as defined by Section 48620, to attend make-up classes conducted on one (1) day of the weekend.

Saturday School attendance (all four hours) may clear an absence. The District will not allow "banking" of Saturday School credit.

## **SCHOOL ATTENDANCE REVIEW BOARD (SARB)** (E.C. 48320-48324, 48292-48293)

The Education Code provides for the establishment of the School Attendance Review Board to meet the special needs of pupils with school attendance problems or school behavior problems.

The **School Attendance Review Board** (SARB) may include but is not limited to the following. A parent guardian as well as a representative of the district, county probation department, county welfare department, county office of education, law enforcement agencies, community based youth service centers, school guidance personnel, child welfare and attendance personnel, school or county health care personnel, and school, county, or community mental health personnel, (EC 48321)

The School Attendance Review Teams Board has the authority to recommend that parents and students take certain measures to correct inappropriate behavior, refer the pupil to community agencies for assistance, or suggest adjustments to the school assignment. In the event that a parent or guardian or pupil fails to respond to the directives of SARB or to services offered on behalf of the minor, SARB may:

1. Direct that the minor be referred to the county welfare department under Section 300 of the Welfare & Institutions Code.

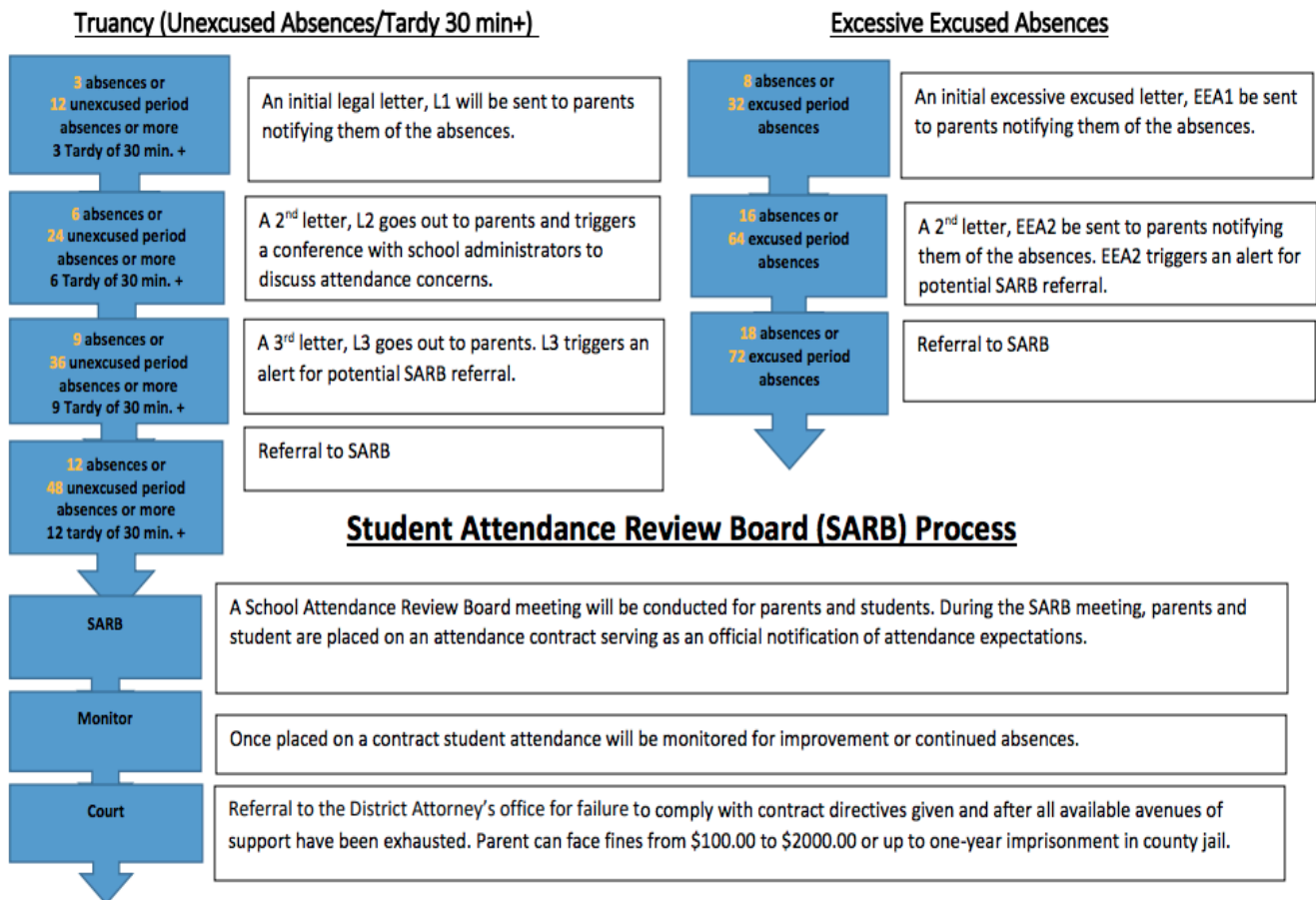


2. Direct that the minor be referred to the county probation department under Section 60I of the Welfare & Institutions Code.
3. Request the Superintendent Designee, to file a complaint against the parent, guardian, or other person in charge of such minor with the District Attorney.

The parent/guardian of any pupil who fails to comply with the directives of SARB, unless excused or exempted, therefore, is guilty of an infraction and shall be punished by the courts as follows:

1. Upon conviction, by a fine of not more than one hundred dollars (\$100).
2. Upon a second conviction, by a fine of not more than two hundred fifty dollars (\$250).
3. Upon a third or subsequent conviction, by a fine of not more than five hundred dollars (\$500).
4. In lieu of imposing the fines prescribed in paragraphs (1) and (2), the court may order such person to be placed in a parent education and counseling program.

### TJUHSD Attendance/SARB Process for Parents



# EXTRA-CURRICULAR ACTIVITY ELIGIBILITY

## 1. ACADEMIC GRADING PERIOD

The comprehensive high schools will, every nine (9) weeks, notify all parents of each student's academic status by mail. Report cards will be issued at the end of each grading period through the mail. Parents should expect to receive a progress card report card that is mailed home. The January semester report card and the June semester report card will describe a student's final grade in a class and will be recorded on a student's transcript as the permanent grade. All of the other progress reporting periods are designed to give every parent in school a view of their individual student's progress in a class. Upon receipt of the progress report card parents are welcome to contact their school counselor to review their student's academic status.

In order for a pupil to participate in extracurricular activities, the pupil shall achieve a grade point average of 2.0 with no more than one "F", must be passing 20 units, and show maintenance of minimal progress towards meeting the high school graduation requirements prescribed by the Governing Board in each 9 week grading period preceding the period of participation in the extra-curricular activities. Students are not declared re-eligible or off probation until the second Monday following the end of the grading period. (AR 6145 (12)) There will be absolutely no exceptions to this CIF rule such as obtaining hand written grades by the student's instructors, counselors, or administrators.

For all students, the nine-week progress card/report card will be utilized to determine a student's eligibility status for participation in extracurricular activities. At the end of each six week grading period, those students who do not meet the academic requirements, as well as with CIF (athletic) standards, will be identified. The students will have the next nine weeks as a probationary period allowing them to bring up their grades for continued participation. If a student is unsuccessful in improving his/her grades to the required standard, the student will not be eligible to participate until he/she meets the academic standards at the next grade reporting period. Students are not declared re-eligible or off probation until the second Monday following the end of the grading period. There will be absolutely no exceptions to this rule such as obtaining hand-written grades by the student's instructors, counselors, or administrators.

## 2. ATTENDANCE

### Excessive Absenteeism

Students who are absent fifteen (15) days in one school year may be placed on Attendance Supervision which imposes the requirement that future absences be verified by a licensed medical practitioner.

*If a student on Attendance Supervision accumulates five (5) unexcused absences (absences without medical verification), the student will be ineligible to participate in extra-curricular activities for the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.*

### Attendance on Event Day

Students shall be in attendance all periods of the day of the event practice (or in attendance the day prior on a weekend event practice) unless excused by the Principal designee of his/her school in advance or be ineligible for the first event following administrative contact.

### Senior (12th grade) Attendance Policy

Seniors must not have more than thirty (30) period absences throughout the senior year in order to be eligible to participate in the commencement ceremony at the end of the school year. **Any absence counts against the thirty (30) period absences requirement with the following exceptions:**

- Doctor appointment or doctor mandated stay at home
- Subpoenas to court
- Funeral for an immediate family member
- Participation in a school activity

It is up to the student to bring verification from the doctor or court to the office within five (5) school days upon the return from the absence for an exception. Otherwise, we will count the absence as required per the policy.

## **DEBTS OWED FOR LOSS OR DAMAGE TO SCHOOL DISTRICT PROPERTY**

The district may collect the debt owed by a student or former student as a result of vandalism or to cover the replacement cost of district books, supplies, or property loaned to a student that the student willfully fails to return or that is willfully cut, defaced or otherwise injured. Until the student or student's parents/guardians have paid for the damages, the Superintendent or designee may withhold the student's grades, diploma, and/or transcripts. (E.C. 48904) However, this policy shall not apply to a student who is a current or former homeless or foster child or youth (E.C. 49014)

If the student and parents/guardians are unable to pay for the damages or return the property, the Superintendent or designee shall provide a program of voluntary work for the student in lieu of monetary damages - You may contact the Assistant Principal's office for more information on this option. Upon completion of the voluntary work, the student's grades, diploma, and/or transcripts shall be released. (E.C. 48904)

When a student who is transferring into the district has had his/her grades, diploma, and/or transcripts withheld by the previous district, the Superintendent or designee shall continue to withhold the student's grades, diploma, and/or transcripts until notified by the previous district that the decision to withhold has been rescinded. (E.C. 48904.3)

Upon receiving notice that a student whose grades, diploma, and/or transcripts have been withheld by this district has transferred to another district in California, the Superintendent or designee shall provide the student's records to the new district and notify the new district that the student's grades, diploma, and/or transcripts are being withheld from the student and parents/guardians pursuant to Education Code 48904.

## **STUDENT USE OF TECHNOLOGY**

**(Board Policy 6163.4) (AR 6163.4(b))**

The Governing Board recognizes that technology provides ways to access the most current and extensive sources of information. Technology also enables students to practice skills and to develop reasoning and problem-solving abilities. In addition, electronic resources foster workplace skills that may be transferable to new technologies. Every reasonable effort shall be made to provide access to technological resources throughout the District's schools and classes.

To inhibit access to harmful material when using technological resources, and preclude other misuses of the system, the Superintendent or designee shall establish administrative regulations governing use of the District's technological resources. He/she shall ensure that users have no expectation of privacy and understand that District staff may monitor or examine all system activities to ensure proper use of the system. Students who fail to abide by these regulations, shall be subject to disciplinary action, revocation of the right to use technological resources, and legal action as appropriate.

### **Reference: Education Code:**

48980 Internet Access and Parent Notices  
51006 Computer Education and Resources  
51007 Programs to Strengthen Technological Skills  
51870.5 Internet Policy Instructional Materials Definition  
60013 Supplementary Instructional Materials  
60017.1 Technology-based Materials  
60044 Prohibited Instructional Materials

### **Penal Code:**

313(a) Definition of harmful material  
502 Unauthorized access to computer systems and computer data  
632 Eavesdropping on or recording confidential communications, United States Code, Title 20 680-7005 Technology for Education Act of 1994

## **STUDENT USE OF TECHNOLOGY (AR 6163.4(a))**

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. He/she shall ensure that all students using these resources are properly supervised and receive training in their proper use as well as copies of related District regulations. Prior to use of some technological resources, students and their parents/guardians will be required to sign a "User Agreement."

### **TECHNOLOGICAL RESOURCES - INTERNET DEFINITION AND USAGE RISKS**

The Internet is one technological resource that students may have access to as part of the educational process. The following are some items that define what the Internet is today:

1. A public meeting place.
2. Communications medium {voice/real-time audio & video, electronic mail}.
3. Virtual field trips (visits to faraway places).
4. Marketplace.
5. Entertainment.
6. Information resource (library, art gallery, product support).

As technology changes, so does the Internet. What it looks like today is not necessarily what it will look like tomorrow. There are some risks involved when students are allowed to access the Internet. Known risks are as follows:

1. Visit to a site that contains adult pornographic information.
2. Visit to a site where offensive video, audio, images, or text is presented,
3. Contact with undesirable persons.

The District cannot guarantee that a student will never access sites such as those mentioned above, but will minimize the likelihood of occurrence by the following:

1. Electronic filtering of known adult-oriented sites.
2. Supervising student activities.
3. Using planned lessons.
4. Monitoring of email chat sessions.
5. Policies for regular review of practices for improvement.

### **INTERNET USE - STUDENT OBLIGATIONS AND RESPONSIBILITIES**

Students and their parents/guardians must sign an Internet Use - Student User Agreement in order to have access to the Internet. This access may not be used for any purpose which conflicts with the goals or the policies of the School District or for illegal or unethical purposes.

Students are authorized to use the Internet in accordance with user obligations and responsibilities specified below:

1. Users shall keep personal account numbers, home addresses, and telephone numbers private. They shall use the system only under their own account number.
2. The system shall be used only for purposes related to education. Commercial, political and/or personal use of the District's system is strictly prohibited. The District reserves the right to monitor any online communications for improper use.
3. Users shall not use the system to encourage the use of drugs, alcohol, or tobacco, nor shall they promote unethical practices or any activity prohibited by law or District policy.
4. Users shall not transmit or receive material that is threatening, obscene, disruptive, or sexually explicit, or that could

be construed as harassment or disparagement of others based on their race, national origin, sex, age, disability, religion, or political beliefs.

5. Copyrighted material may not be placed on the system without the author's permission. Users may download copyrighted material for their own use only.
6. Vandalism is forbidden. Vandalism includes uploading, downloading or creating computer viruses, and/or any malicious attempt to harm or destroy District equipment or materials or the data of any other user.
7. Users shall not read other users' mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to read, delete, copy, modify, or forge other users' mail.
8. Users are expected to keep messages brief and use appropriate language.
9. Users shall report any security problems or misuse of the network to the teacher or principal.
10. Users will abide by system usage, security, and web publishing guidelines as set forth by District authorities.

### **PENALTY FOR INAPPROPRIATE USE**

Students who fail to abide by these obligations and responsibilities, shall be subject to disciplinary action, revocation of the right to use technological resources, and legal action as appropriate.

### **RULES OF INTERNET ETIQUETTE - "NETIQUETTE"**

1. Be Polite. Never send, or encourage others to send, abusive messages.
2. Use Appropriate Language. Remember that you are a representative of not only yourself, but also your school on a publicly accessible system. You may be alone with your computer, but what you say and do can be viewed globally; never swear, use vulgarities, or any other inappropriate language. Illegal activities of any kind are strictly forbidden.
3. Privacy. Remember that revealing your own phone number and address can result in unwanted intrusions of your privacy and should be viewed in the same light as a public listing in a telephone directory. Users shall have no expectation of privacy and understand that the District has the right to monitor and examine all system activities to ensure proper use of the system.
4. Electronic Mail. Electronic mail (E-Mail) is not guaranteed to be private. Messages relating to or in support of illegal or unethical activities must be reported to the District.
5. Recommended Practices. Use accurate and descriptive titles for your articles and subject lines for your email. Tell people what it is about before they read it.
6. Get the most appropriate audience for your message, not the widest. Avoid posting and bulk mailing of large messages.
7. Remember that if you post to multiple groups, specify all groups in a single message.
8. Be brief. Fewer people will bother to read a long message.
9. Minimize spelling errors and make sure your message is easy to understand and read.
10. Forgive the spelling and grammatical errors of others.
11. Remember that humor and satire is very often misinterpreted.
12. Post only to groups you know.
13. Cite references for any facts you present.
14. Keep signatures brief.
15. Remember that all network users are human beings. Don't "attack" correspondents; persuade them with facts.

## THE SIX PILLARS OF CHARACTER

Character is a combination of traits that defines each person. Your character determines who you are as an individual. The character traits you develop and possess will direct your actions, choices, and the path you will take in life. Along with your family, schools have a responsibility to help you cultivate sound and wise character traits. Staff of the Tulare Joint Union High School District believes the following pillars of character are essential elements of the moral and ethical behavior expected of every student:

**TRUSTWORTHINESS:** A person of character is trustworthy, lives with integrity, is honest, reliable, and loyal.

**RESPECT:** A person of character values all persons, lives by the Golden Rule, respects the dignity, privacy, and freedom of others, is courteous and polite to all, and is tolerant and accepting of differences.

**RESPONSIBILITY:** A person of character meets the demands of duty, is accountable, and pursues excellence.

**FAIRNESS:** A person of character is fair and just, is impartial, listens and is open to differing viewpoints.

**CARING:** A person of character is caring, compassionate, kind, loving, considerate, and charitable.

**CITIZENSHIP:** A person of character is a good citizen, does his or her share, helps the community, plays by the rules, and respects authority and the law.