

# **Lagunitas School District**

## **San Geronimo, California**

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**Lagunitas School District  
San Geronimo, California**

BOARD POLICY 5001

CHILDREN WITH AIDS

Whereas, The Governing Board recognizes its dual responsibility to protect the health of its students and staff as well as to uphold each individual's rights; and

Whereas, leading public health authorities have recommended that the decision as to whether the student with AIDS should be admitted to school or should be permitted to continue in attendance should be based upon individual circumstances, including the child's behavior, neurological development, physical condition, and the type of interaction with other children that is anticipated; and

Whereas, the Board recognizes the importance of the academic interaction and socialization experienced by the student with AIDS in a school setting that is appropriate and least restrictive and that the usual course of action will be to have the student continue in the regular classroom program.

Now therefore, be it resolved, that when it is known that a child with AIDS is attending or whose parents request that the child attend the regular school program, the District will use the following process to reach an informed decision:

1. The Board will form a multidisciplinary review committee that will typically include a physician knowledgeable about AIDS, the child's parent(s) or guardian(s), an Administrator, and a teacher in whose class the child would be placed and may include other school staff members and/or other knowledgeable health care resource persons.
  - A. The major function of the review committee will be to recommend appropriate modifications in school procedures if necessary to ensure a safe and healthful learning environment.
  - B. The review may recommend short term or long term removal from regular classroom attendance (for home instruction or other special accommodations), but only if it is clearly established "by the physician" that there is a clear and present danger associated with regular classroom attendance.
2. The Board will study recommendations from the review committee and will decide on a course of action. Before its decision is made, the Board may solicit other relevant opinions for knowledgeable resource people.

If requested, the Board will also confer with the child's parents or guardians in closed session.

Be it further resolved, that the Superintendent shall ensure that there will be no release of information regarding students with AIDS in violation of District policy governing the confidentiality of student records.

Note: The Board should ensure that there is a program of education appropriate to the level of the children with whom the student with AIDS is interacting.

BOARD ADOPTION/REVISION: December 8, 1989  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5002

#### DISMISSAL OF STUDENTS IN THE EVENT OF A DISASTER OR OTHER EMERGENCY

In recognition of the difficulty in communications and rural nature of the District, the Board of Trustees establishes the following procedures for the dismissal of students in the event of a disaster or other emergency requiring the evacuation of students.

1. An Emergency Identification Form will be distributed by district personnel at the beginning of each school year for each child registered in the district. These forms will be completed by parents/guardians and returned to the school. Incomplete forms will be returned to parents for completion.
2. In the event of a disaster or other emergency requiring the evacuation and eventual dismissal of students, the school secretary at each school site and/or other designated district personnel will activate a Student Dismissal Center. All students leaving the district property will be dismissed to a parent or designated adult through these centers. No child will be released to an individual who is not listed on the child's Emergency Identification Form.
3. In the event of a disaster or other emergency occurring during a time when children are either boarding or riding on a district school bus, those children will be escorted by the school bus driver and/or other school personnel back to the school site(s). They will be dismissed following the procedure outlined in #2 (above).
4. District personnel will remain on site until dismissed by the Principal or his/her designee or until all students are dismissed and accounted for.

BOARD ADOPTION/REVISION: December 11, 1990  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5003

#### USE OF ALCOHOL AND OTHER DRUGS OR SUBSTANCES

The Board of Trustees of Lagunitas School District is strongly opposed to the use, sale, or possession of illegal drugs or substances by students of the district. Because the use of alcohol and other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences, the Governing Board intends to keep district schools free of such drugs.

The Board desires that every effort be made to reduce the chances that our students will begin or continue the use of alcohol and other drugs. The Board recognizes alcohol to be like other drugs, illegal for use by minors. The Superintendent and Principal shall develop a comprehensive prevention program that includes instruction, intervention, student support and enforcement/discipline. All Board policies, regulations, procedures, and school rules pertaining to the prevention program will be clearly communicated to students, staff, and parents/guardians.

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

#### Prevention

The district shall provide instructional programs aimed at helping students avoid the use of alcohol and other drugs. Programs will teach students how to influence their peers to avoid and/or discontinue use of illegal substances. Instruction shall be preventive in nature and designed to help students who have questions related to alcohol and other drugs.

The instructional programs will help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with illegal substances, and will assist the student toward maturity.

The Superintendent and/or Principal will work with staff to insure that programs will be K-8, comprehensive and sequential in nature, and suited to meet the needs of students in their respective programs and/or grade levels.

The District will provide opportunities for staff development in the area of substance abuse education/prevention through inservice, release-time to attend workshops/conferences, and special topic staff development days.

### Intervention

The Board supports intervention programs that include the involvement of students, staff, parents/guardians, and community agencies/organizations.

Parents/guardians shall be informed about the signs of alcohol and other drug use and about appropriate agencies offering counseling and intervention services.

### Recovering Student Support

The Board recognizes the presence of recovering students in the schools and the necessity to support these students in avoiding reinvolvement with alcohol and other drugs. The District will provide ongoing school activities which enhance recovery.

### Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct or well-being of the students. Students possessing selling and/or using alcohol or other drugs shall be subject to disciplinary procedures which may result in suspension or expulsion.

School authorities may search students and school property for the possession of alcohol and other drugs, as long as such searches are deemed necessary for cause and as long as such searches are conducted in accordance with the law.

BOARD ADOPTION/REVISION: February 12, 1991  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5004

#### FIELD TRIP POLICY

The Governing Board of the Lagunitas School District recognizes that field trips are important components in the instructional program of the District. Field trips which are properly planned and implemented can supplement and enrich classroom procedures by providing learning experiences in an environment outside the classroom. This can arouse new interests among students and help them relate classroom experiences to the reality of the outside world. It can bring all the resources of the community within the scope of a student's learning experience.

Education Code Section 35330 provides that all persons making a voluntary field trip are deemed to have waived all liability claims against the District for events arising from the field trip. Every adult and the parents or guardians of minor students taking the trip should sign a statement advising them of this waiver.

Because the values and purposes of field trips depend upon the quality of planning, the following considerations, as applicable, will be observed by the teachers in organizing a field trip:

- 1) The field trip should be planned as part of the curriculum and its relationship and value to the curriculum so stated.
- 2) Experience resulting from the trip should be reviewed and evaluated.
- 3) Tentative approval should be secured from the principal before final applications are submitted. Applications should be obtained at least one week in advance.
- 4) Written permission, signed by a parent or guardian, must be received before any student may participate in the field trip. Children without permission are required to attend school and will be educationally provided for.
- 5) Pupils may be permitted to go on a field trip with a parent without the direct supervision of a teacher providing each parent is notified in writing to this effect and sign the permission slip so stating. Parents who are directly responsible for a student group are encouraged not to bring preschool age children or children who are not registered students of the Lagunitas School District.
- 6) A list of all students participating in the field trip and a list of the cars and drivers with whom they will be riding must be left in the school office with the School Secretary.



- 7) Drivers of private cars are primarily responsible for the safety of all the children riding with them and must comply with seat belt and insurance regulations. Each volunteer driver must have a completed Insurance Certification form on file in the school office and medical authorization form.
- 8) Overnight field trips must be approved by the Governing Board prior to the field trip.
- 9) Each student must have a signed voluntary excursion/field trip waiver and medical authorization form before any overnight field trips. Each student will also complete the short-term insurance coverage form and pay the appropriate premium for these overnight field trips.
- 10) The District shall provide a First Aid Kit whenever students are taken on field trips under the supervision of a teacher, employee, or agent of the school. Whenever field trips are conducted in areas known to be infested with poisonous snakes, the following requirements of law shall be met (Education Code 32043):
  - a) The First Aid Kit taken on the field trip shall contain medically accepted snakebite remedies.
  - b) A teacher, employee, or agent of the school who has completed a course in First Aid which emphasizes the treatment of snakebites shall accompany the field trip. Such a first aid course shall be certified by the American Red Cross.
- 11) Guidelines of appropriate behavior should be made clear prior to the field trip and students are expected to follow all school and other rules that apply.
- 12) Destinations and directions should be made clear to all drivers as well as any specific directions and designated meeting places.
- 13) It is recognized that all field trips and overnight excursions are voluntary for students and staff.

BOARD ADOPTION/REVISION: May 11, 1992  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5005

#### SEXUAL HARASSMENT

The Lagunitas School District is committed to providing an atmosphere of support for academic learning and personal growth for students, staff, and other volunteers. Academic freedoms of speech and behavior, where balanced by respect for other individuals and groups, are encouraged as means of personal expression and exploration. Speech and/or behaviors which do not respect others, which might lead to physical or emotional harm of a student, staff member, or other member of the school community, is not acceptable.

The Board prohibits sexual harassment of any student by another student, an employee or other person, at school or at a school-sponsored or school-related activity. The Board also prohibits retaliatory behavior or action against any person who complains, testifies, assists or otherwise participates in the complaint process established in accordance with this policy.

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

1. Age and maturity of the victim and the perpetrator
2. Pervasiveness of the alleged harassing conduct (i.e., how many times the act(s) occurred, how many individuals were involved, etc.)
3. Prior complaints against the perpetrator

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender.
2. A clear message that students do not have to endure sexual harassment. Students should be encouraged to report observed instances of sexual harassment, even where the victim of the harassment has not complained.

3. Information about the person(s) to whom a report of sexual harassment should be made.

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact a school employee. A school employee to whom a complaint is made shall, within 24 hours of his/her getting the complaint, report it to the principal or designee. Any school employee who observes any incident of sexual harassment on any student shall similarly report his/her observation to the principal or designee, whether or not the victim makes a complaint. If the alleged harasser is the principal or designee, the employee may report the complaint or his/her observation of the incident to the Superintendent or designee who shall investigate the complaint.

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where necessary. In addition, the student may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures.

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

Information gathered in the course of investigating a sexual harassment complaint shall be kept confidential to the extent possible.

The District will make every effort to prevent sexual and other forms of harassment by creating an educational and employment environment conducive to high self-esteem and consideration of the rights and feelings of all in the school community. The District educational program will seek to educate people about personal responsibility and sensitivity, to avoid sexist, racist, and other conflict resolution.

#### Legal References:

##### EDUCATION CODE

200-262.4 Educational Equity.

48900.2 Additional grounds for suspension or expulsion; sexual harassment.

48904 Liability of parent/guardian for willful pupil misconduct; withholding of grades, diplomas and transcripts; voluntary work program.

48980 Notice at beginning of term of rights and responsibilities; required content.

## CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships.  
1714.1 Liability of parents/guardians for willful misconduct of minor.

## UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Discrimination

## UNITED STATES CODE, TITLE 42

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

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

## CODE OF FEDERAL REGULATIONS, TITLE 34

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

## COURT DECISIONS

Davis v. Monroe County Board of Education (1999) No. 97-843, 1999 U.S. Lexis 3452, -  
U.S.—

Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989

Nabozny v. Podlesny (1996, 7<sup>th</sup> Cir.) 92 F.3d 446

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

Oona R.-S. etc. v. Santa Rosa City Schools et al (1995) 890 F.Supp. 1452

Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143

Clyde K. v. Puyallup School District #3 (1994) 35 F. 3d 1396

Patricia H. v. Berkeley Unified School District (1993) 830 F.Supp. 1288

Franklin v. Gwinnet County Schools (1992) 112 S.Ct. 1028

Kelson v. City of Springfield, Oregon (1985, 9<sup>th</sup> Cir.) 767 F.2d 651

BOARD ADOPTION/REVISION: August 27, 2002  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### ADMINISTRATION REGULATION 5005

#### SEXUAL HARASSMENT

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when: (Education Code 212.5)

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

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

1. Unwelcome sexual flirtations or propositions
2. Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation of a sexual nature
4. Sexual jokes, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Touching an individual's body or clothes in a sexual way

8. Purposefully cornering or blocking normal movements for the purpose of sexual harassment
9. Limiting a student's access to educational tools including limiting such access in retaliation for a complaint of sexual harassment
10. Displaying sexually suggestive objects

#### Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980)
2. Be displayed in a prominent location near each school office (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)
5. Be provided to employees and employee organizations

#### Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
  - a. The student who is complaining
  - b. The person accused of harassment
  - c. Anyone who saw the harassment take place
  - d. Anyone mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.
3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:

- a. The Superintendent or designee
  - b. The parent/guardian of the student who complained
  - c. The parent/guardian of the person accused of harassing someone
  - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
  - e. Child protective agencies responsible for investigating child abuse reports
  - f. Legal counsel for the district
4. When the student who complained and the person accused of harassment so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.
  5. The principal or designee shall tell the student who complained that he/she has the right to file a formal complaint at any time in accordance with the district's uniform complaint procedures. If the student wishes to file a formal complaint, the principal or designee shall assist the student in doing this.
  6. In reaching a decision about the complaint, the principal or designee may take into account:
    - a. Statements made by the persons identified above
    - b. The details and consistency of each person's account
    - c. Evidence of how the complaining student reacted to the incident
    - d. Evidence of past instances of harassment by the accused person
    - e. Evidence of past harassment complaints by the victim or against the accused that were found to be untrue
    - f. Any lack of previous complaints against the accused
  7. To judge the severity of the harassment, the principal or designee may take into consideration:
    - a. How the misconduct affected one or more students' education
    - b. The type, frequency and duration of the misconduct
    - c. The number of persons involved
    - d. The age and sex of the person accused of harassment
    - e. The subject(s) of harassment
    - f. The place and situation where the incident occurred
    - g. Other incidents at the school, including incidents of harassment that were not related to sex
  8. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.

9. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If he/she verifies that sexual harassment occurred, this report shall describe the actions he/she took to end the harassment, address the effects of the harassment on the person harassed, and prevent retaliation or further harassment.
10. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained as been further harassed.

The principal or designee shall keep a record of this information and shall continue this follow-up at his/her discretion.

#### Enforcement

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

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

BOARD ADOPTION/REVISION: August 27, 2002  
October 18, 2011



# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5006

#### SECTION 504 OF THE REHABILITATION ACT

It is the intent of the Lagunitas School District to promote the provisions of Section 504 of the Rehabilitation Act of 1973. Therefore it is the policy of Lagunitas School District that no otherwise qualified individual with disabilities are defined in Section 504 shall solely by reason of her/his disabilities be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity offered by this district.

In furtherance of this policy the Lagunitas School District acknowledges its duty in the following areas:

- a. identification of qualified students, and
- b. assessment of the educational and related service needs of referred or qualified students, and
- c. provision of a free, appropriate public education for all qualified students, and
- d. provisions of a system of procedural safeguards which includes notice and an impartial hearing on the issues of identification, evaluation and educational placement, and
- e. provision of appropriate procedural safeguards with regard to discipline of qualified students.

In furtherance of this policy and federal law, the Lagunitas School District shall include in its annual notice to all pupils a notice of rights set forth in this policy. In addition the Lagunitas School District shall provide training for appropriate staff on the issues related to this policy enforcement and the requirements of Section 504 of the Rehabilitation Act.

The Superintendent is authorized to develop and revise as necessary the regulations and procedures necessary to implement the requirements of Section 504 and this policy.

For further information on this policy and legal requirements, staff, parents and other interested members of the public may contact the District Superintendent who is the designated Section 504 Compliance Officer for the District.

The provisions of this policy and all related regulations and procedures of the Lagunitas School District are intended to supplement, and not replace any applicable federal and

state laws and regulations. Individuals with complaints regarding this District's compliance with the applicable federal and state laws are encouraged to bring such complaints/concerns forward to the above assigned compliance officer or to the Superintendent. In addition such complaints may be forwarded to the appropriate governmental agency such as the Office of Civil Rights.

Legal References:

29 U.S.C. 706 (8) et seq.

34 Code of Federal Regulations Part 104

BOARD ADOPTION/REVISION: July 5, 1994  
February 4, 1997  
May 14, 2002  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### ADMINISTRATION REGULATION 5006

#### SECTION 504 OF THE REHABILITATION ACT

The following regulations and procedure are intended to implement the legal requirements of the District under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794). Such regulations and procedures shall be applied to those students who are disabled as defined under Section 504 but do not qualify for services under the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et.seq.)

#### **I. Definition**

Pursuant to federal law an individual is entitled to the provisions of Section 504 of the Rehabilitation Act of 1973 if he or she is an otherwise qualified disabled person.

"Disabled person" means any person who (i) has a physical or mental impairment, which substantially limits one or more major life activities (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

"Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

"Is regarded as having an impairment" means (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by district as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (C) has none of the impairments defined above but is treated by a district as having such an impairment.

#### **II. Identification and Referral Procedures**

##### **A. Team**

Students who qualify as a "disabled person" as that term is defined at 34 C.F.R. 104.3 shall be referred by a parent, teacher, other certificated school employee, Student Study Team, Special Ed IEP team or community

agency to the 504 Team for identification and evaluation of the student's individual education needs.

The referral shall be made in writing and given to the Site Principal who shall be responsible for convening the 504 Team.

The 504 Team will be composed of persons knowledgeable about the student, the student's individual needs, the meaning of evaluation data, and the placement options. The Site Principal will monitor the composition of the 504 Team to ensure that qualified personnel participate in the evaluation process.

The 504 Team will evaluate the nature of the student's disability in light of the provisions of 34 C.F.R. Sec. 104.3 and the criteria of 34 C.F.R. Sec. 104.35. No final determination will be made by the 504 Team without first inviting the parent or guardian of the student to participate in a meeting concerning the recommendation that the student be identified as a disabled individual within the meaning of Section 504 and who may require special services, both educational and of a related service nature designed to meet the individual needs of the student. The purpose is to provide the eligible students with a free, appropriate public education.

The 504 Team is recognized as a collaborative team of certificated staff and the parent/guardian(s) which has purposes other than identification of qualified disabled students under Section 504. However, this team of individuals may convene as the 504 Team provided such Notice has been provided to the parent/guardian.

B. Evaluation and Service Plan Procedures

The 504 Team shall have the following responsibilities:

1. The 504 Team shall consider all relevant information and assessments in order to determine eligibility and service/program need. Assessments necessary to understand educational needs of student shall be conducted by the professional staff of the district and/or county office pursuant to 34 C.F.R. Section 104.35 (b).
2. Identification of students who are disabled as defined under Section 504 of the Rehabilitation Act of 1973 and the regulations implementing the Act. (Students may be so identified even though they are not eligible for services under federal and state special education laws and do not require special education services pursuant to the Education of the Handicapped Act).

3. When the team determines eligibility, the 504 Team will develop a written plan describing the disability and the education, placement or related services as appropriate. The plan will specify how the regular or modified education and related aids and services will be provided, and by whom. The team may also determine that no special education or related services are necessary in order for the student to have a free, appropriate public education.
4. The 504 Team may also refer the student to an IEP team for determination of eligibility under P.L. 94-142. Such special education service will be determined and provided in accordance with an IEP prepared under P.L. 94-142. In the event of such referral, the 504 Team may develop an interim program/placement for the student.
5. The designated District representative shall write a brief report of the Team meeting and complete necessary forms.

#### C Team Guidelines

1. It is anticipated that a disabled student under Section 504 of the Rehabilitation Act who requires an educational program or services other than, or in addition to, that provided to non-disabled students shall be placed in the regular educational environment with the use of the supplementary aids and services. However, if the Team determines that the education of the pupil in the regular educational environment with the use of supplementary aids and services does not provide a free appropriate public education for the student, changes in placement may be made. In infrequent instances, a disabled student who does not qualify for special education under the criteria of P.L. 94-142 but is qualified under Section 504 may require special education or related aids and services outside of the regular classroom in order to receive an appropriate education. All placements shall be in the least restrictive environment appropriate.
2. The parent or guardian of the student shall be provided an opportunity to participate in 504 Team meeting to discuss the tentative conclusion of the team. The parent or guardian will be given the opportunity to examine relevant records.
3. The decision of the 504 Team shall be in writing with a copy provided to the parent/guardian. If the parent does not agree with the Team recommendation, the parent may access the due process provisions and have a hearing on the disputed issues.

4. If a plan for providing educational and/or related services is developed, all appropriate school personnel who work with the student shall be informed of the plan.

D. Team Review

1. The 504 Team will monitor the effectiveness of the plan annually to determine whether adjustments in the plan are necessary, and to assure that the agreed upon services are being provided as needed to ensure the disabled student's needs are met as adequately as the needs of nondisabled students.
2. Prior to any subsequent significant change in placement, an evaluation of the student's needs will be conducted as necessary, and the 504 Team shall set forth in writing the changes as appropriate. When change is proposed as the result of recommended disciplinary action, the Team shall meet to determine the following:
  - a. Relationship of behavior (subject to discipline) and disability, and
  - b. Appropriateness of current program and placement.

**III. Assessments**

The District will be responsible for conducting assessments necessary to understand the educational needs of students determined to be eligible or those referred for eligibility. To this end assessments conducted in relation to a referral to Special Education services shall be used. In addition, informal assessments by certificated staff and observations may also be used and relied upon.

Informal observation and assessment by certificated staff shall not require written consent of the parent/guardian. Notice to the parent/guardian shall be provided in advance of all formal testing to be conducted by the district. Consent by the parent/guardian shall be required in advance of any such assessment. In the event that the parent does not consent to the testing the parent/guardian shall be advised of their due process rights. Failure of the parent/guardian to consent to assessment or to access their due process rights shall waive any claim they may have for the provision of Section 504 identification and services for the named student.

The Superintendent or her designee or the 504 Team shall present the proposed assessment plan to the parent in writing for his or her consent.

**IV. Due Process**

Upon referral or at the meeting of the 504 Team, the parent/guardian shall be advised of the procedural safeguards. Such notice shall be provided in writing

and any questions may be addressed either by the Team, the Section 504 Compliance Officer or the site administrator. The procedural safeguards shall include the right to an impartial hearing on the following issues:

1. Disagreement about eligibility
2. Disagreement about assessment
3. Disagreement about program and/or placement including related services
4. Disagreement with Team decision regarding discipline (relation of behavior/handicap and/or appropriateness of placement)

As part of these procedural safeguards, parents shall have the following rights:

1. notice of hearing date and time,
2. right to examine all relevant records and to receive copies of such records at cost,
3. the right to be represented or accompanied and advised by an individual with special knowledge or training,
4. the right at hearing to present evidence, confront, cross examine and compel attendance of school employees as witnesses, the right of a record and to a written determination including findings of fact and conclusions of law.

In addition to the procedures set forth above, and at the sole discretion of the district, an offer for mediation may be made. As part of an offer for mediation, a time line will be set for resolution of the matter. If the time line is not met or mediation does not resolve the issue, a hearing will be scheduled and held.

The cost of the mediator, if any, and the hearing officer and related costs shall be paid for by the District. Each party shall pay for their own costs related to representation and presentation of their case.

When a parent/guardian decides to access their procedural rights under this policy they must file a written request for due process within 14 calendar days of the date of the action or the date of the written notice. A form shall be available from the district. The notice must be received within the 14-calendar day period either by the site administrator or the Superintendent's Office.

The Superintendent or the Section 504 Compliance Officer shall then be responsible for arranging for the hearing. The hearing shall be held within 20 calendar days after a hearing officer has been retained. The District shall be responsible for notifying the parent/guardian of the date, time and location of the hearing. Both the district and the parent/guardian are advised to provide written notice of witnesses to be called and to provide copies of documentary evidence to the hearing officer and the other side at least 5 calendar days in advance of the hearing.

Continuances for either party may be granted by the hearing officer for good cause.

A record of the hearing shall be maintained. Either party requesting a transcript of the hearing shall pay the cost of such transcription.

Upon submission of the matter to the hearing officer, a written decision shall be filed, including findings of fact and conclusions of law within 15 calendar days that the matter was submitted. In the event the hearing officer requires a transcription of the hearing, the matter shall not be considered submitted until the transcript is received by the hearing officer. Issues to be determined by the hearing officer shall be limited to those listed above. The hearing officer shall have no jurisdiction with regard to issues of compliance or attorney fees.

Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

#### **V. Discipline of Disabled Students**

The provisions of district policy which relate to discipline of students with exceptional needs shall apply to students determined to be disabled under Section 504 of the Rehabilitation Act except that there shall be no requirement for a pre-expulsion assessment.

In general, upon a recommendation for expulsion of a qualified disabled student under Section 504, a 504 Team shall be convened to determine if the conduct is related to the student's disabling condition and if the student is appropriately placed. If the behavior is related to the disability or if the placement is determined not to be appropriate, the expulsion shall not proceed. If the parent disagrees with the determination of the Team, a hearing request may be made as specified above within 5 calendar days of the Team meeting/decision. All other provisions relating to due process and applicable timelines shall be followed as set forth above in Section IV.

In the event of a hearing request and at the discretion of the District, the expulsion may proceed after a determination by the 504 Team but prior to the determination of the hearing officer. Expulsions shall be processed in accordance with the Education Code.

Suspensions of qualified disabled students shall not exceed beyond 10 consecutive schooldays and shall be processed in accordance with relevant provisions of the Education Code.

BOARD ADOPTION/REVISION: July 5, 1994, February 4, 1997, May 14, 2002, October 18, 2011



# **Lagunitas School District San Geronimo, California**

## BOARD POLICY 5007

### ADMISSION: IMMUNIZATION AND EXAMINATION REQUIREMENT FOR ADMISSION TO SCHOOL

#### **Immunization**

No child shall be admitted to school without presentation of evidence that the child has been fully immunized against diphtheria, pertussis (whooping cough), tetanus, poliomyelitis, measles, mumps, rubella, hepatitis B and varicella (chickenpox) in the manner and with immunizing agents approved by the California State Department of Health. A blue California School Immunization Record (CSIR) must be completed for each student. The CSIR is part of the student's mandatory permanent pupil record. It is the responsibility of the parent to provide a complete CSIR or provide information needed to complete this record. Information required includes:

1. The child's name and birthplace; and
2. The type and date of each dose of vaccine.

Failure to produce such proof of immunization shall result in exclusion of the child from school until such proof is submitted (Health and Safety Code Section 3389 B). Exception: Immunization of a student shall not be required for admission to school if:

1. The child is unable to receive immunization due to a medical condition; and/or
2. Immunization are contrary to the beliefs of the parent or guardian. The parent or guardian must sign the exemption affidavit on the reverse side of the CSIR.

However, whenever there is good cause to believe that such student has been exposed to one of the communicable diseases listed above, that child may be temporarily excluded from school until the local health officer is satisfied that the student is no longer at risk of developing the disease (Health and Safety Code Sections 3382 and 3385).

At the time the student is excluded, the parent/guardian shall be notified of the immunization requirements as contained in the Health and Safety Code which must be satisfied prior to the student's admission to school. The parent/guardian shall also be informed that immunizations may be obtained from the County Health Department or physician or medical clinic of their choice.

## **Health Examination**

No child shall be admitted to kindergarten without one of the following:

1. A document signed by a physician stating that the child has had a physical examination since the March immediately prior to entering Kindergarten.
2. A waiver document signed by the parent/guardian stating that the parent objects to a physical examination on religious grounds.

Parents shall be notified of the availability of the free and low cost health examinations through the County Health CHDP, MEDICAL and other programs.

In the event that the child enrolls for the first time in our district in any grade, the immunization and physical examination requirements shall apply to any student so enrolled.

BOARD ADOPTION/REVISION: February 13, 1990  
January 22, 2002  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5008

#### HEAD LICE

The Board of the Lagunitas School District is committed to maximizing students' academic performance and physical wellbeing in a healthy and safe environment. The District recognizes that head lice infestations do not pose a health hazard and are not responsible for the spread of any disease.

The Governing Board recognizes that responsibility for the treatment of head lice rests with the home. The Superintendent, or designee, may establish a routine screening program to help prevent the spread of head lice. Screening, when desired by school programs and school administration, should be done on Fridays, when possible.

School employees shall report all suspected cases of head lice to the school office. A staff member shall examine the student and other students who are siblings of the affected student or members of the same household. Students will not be excluded from school because of live lice or nits.

If a student is found with lice or nits, the parent/guardian shall be informed and provided information about treatment options and sources of further information. Students may return to school when they bring a note from the parent/guardian verifying treatment. When returning to school, the student should be reexamined. The student should be reexamined the following Friday for continued presence of live lice or nits. If present, the parent/guardian shall be informed and the treatment should be repeated over the weekend.

(cf. 5142.3 – Health Examinations)  
(cf. 5141.6 – Student Health and Social Services)

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

(cf. 5112.2 – Exclusions from Attendance)  
(cf. 5145.6 – Parent Notifications)

The Principal shall work with the parents/guardians of any student who has been deemed to have a chronic presence of live lice or nits (3 consecutive weeks with lice or nits) in order to minimize infestations. Students with chronic lice may be excluded from attendance until the situation is resolved.

(cf. 5113 – Absences and Excuses)

BOARD ADOPTION/REVISION: March 19, 1996  
October 18, 2011  
January 17, 2012

# **Lagunitas School District**

## **San Geronimo, California**

### ADMINISTRATION REGULATION 5008

#### PROCEDURE FOR IMPLEMENTING HEAD LICE POLICY

To better manage and to limit the spread of head lice infestations, school employees shall report all suspected cases of head lice to the school nurse or designee. The school nurse or designee shall examine the student. An infestation shall be determined by looking closely through the hair and scalp for viable nits or live lice.

If nits are found but there are no live (crawling) lice on the hair, the school nurse or designee shall reinspect within 7-10 school days.

If live (crawling) lice are found on the hair, the parent/guardian shall be notified by the end of the day via phone, email, and/or a note sent home with the student. The parent/guardian shall be provided information on the biology of head lice, methods to eliminate infestation, and directions to examine household contacts for lice and nits. The school nurse or designee may notify parents/guardians in the affected classroom to encourage them to check their children and to treat, if appropriate, and/or examine other students most likely to have had direct head to head contact with the affected student.

Parents/guardians will be encouraged to verify treatment as soon as possible after notification. If the parent/guardian is unable to afford treatment, the student will be referred to Health Services.

Affected students shall be discouraged from direct head to head contact with other students. The nurse or designee shall provide in-service education to staff regarding how to handle nits and/or lice in the classroom.

Information about head lice shall be sent home to all parents/guardians at the beginning of the school year.

Staff shall maintain the privacy of students identified as having head lice.

(Harvard School of Public Health, Laboratory of Public Health Entomology)  
(American Academy of Pediatrics)  
(National Association of School Nurses)  
(cf. 5141.3 - Health Examinations)  
(cf. 5145.6 - Parental Notifications)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

BOARD ADOPTION /REVISION: May 7, 1996  
October 18, 2011  
January 17, 2012

# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5009

#### BICYCLE HELMETS

The Governing Board recognizes that bicycle helmets lessen the seriousness of head injuries. Students who ride bicycles to and from school will consistently wear bicycle helmets, observe safety laws and rules, and display courtesy toward other riders and pedestrians.

Health and safety instruction and student handbooks shall include information related to state law that requires all minors to wear a properly fitted and fastened bicycle helmet when riding on streets or public bicycle paths.

Students are encouraged to use bicycle locks. The district will not be responsible for bicycles which are lost, stolen or damaged.

NOTE: Vehicle Code 21212 prohibits anyone under 18 years of age from operating or riding on a bicycle as a passenger on a street, bikeway or other public bicycle trail without wearing a helmet that meets specified standards.

#### Legal References:

##### EDUCATION CODE

44808 Liability when students not on school property.

51202 Instruction in personal and public health & safety.

BOARD ADOPTION/REVISION: April 2, 1996  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5010

#### STUDENT PROMOTION AND RETENTION

Pupils shall progress through the grade levels by demonstrating growth in learning and meeting grade level standards of expected student achievement, and other indicators of academic achievement established by the Lagunitas School District.

As early as practical in the school year or pupil's school career, the Superintendent or designee shall identify pupils who should be retained and who are at risk of being retained in accordance with law, policy, procedures, and administrative regulations. Promotion/retention decisions shall be based upon multiple criteria as established by procedures, which includes but are not limited to, grades and other indicators of academic achievement.

Pupils shall be considered for promotion or retention in specific subject areas and between certain grade levels:

1. Second grade and third grade in reading.
2. Third grade and fourth grade in reading.
3. Fourth grade and fifth grade in reading, English/language arts and math.
4. The end of the intermediate grades and the beginning of middle school grades in reading, English/language arts and math.
5. The end of the middle school grades and the beginning of high school in reading, English/language arts and math.

The Superintendent or designee shall provide or arrange for opportunities for intervention instruction. Intervention instruction shall assist the pupil in overcoming academic deficiencies. Parent(s)/guardian(s) shall be provided an option to exclude their child from this mandatory instruction. The recommendation regarding retention shall be discussed with parent(s)/guardian(s) prior to any final determination regarding promotion or retention.

#### **Exceptions**

In accordance with Education Code 48070.5(f), a process to appeal a decision to retain a pupil is in place (see Administrative Regulations and Procedures).

Pupils performing below minimum standard for promotion shall be retained unless the pupil's designated classroom teacher specifies in writing that retention is not the appropriate intervention. The teacher's evaluation shall be provided and discussed with the student study team, which includes the pupil's parent(s) or guardian(s) and the school principal before any final determination of pupil retention or promotion.

Legal References:

EDUCATION CODE

48070.5 Promotion or retention of pupils; creation of policy.

37252.2 Pupils in grades 2 through 9 recommended for retention or retained pursuant to § 48070.5; intensive supplemental instruction.

42239 Supplemental instruction; calculation of funding.

BOARD ADOPTION/REVISION: June 12, 2001  
October 18, 2011



# **Lagunitas School District**

## **San Geronimo, California**

### ADMINISTRATION REGULATION 5010

### STUDENT PROMOTION & RETENTION

#### **Student Identification to be Considered for Retention by Grade Level**

As prescribed by law, the Superintendent or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels (Education Code Section 48070.5):

Proficiency in reading, English/language arts, and mathematics for students between:

- a. second grade and third grade in reading
- b. third grade and fourth grade in reading
- c. fourth grade and fifth grade in reading, English/language arts and math
- d. the end of the intermediate grades and the beginning of middle school grades
- e. grades seven and eight
- f. the end of middle school grades and the beginning of high school grades (grade 9)

Students shall be identified on the basis of teacher assessment of student progress, including grades and other indicators of academic achievement such as:

- a. E.T.F. assessment results
- b. Student class work samples
- c. criterion-referenced tests and informal inventories of mathematics, reading and written expression skills
- d. locally designed assessment aligned with defined learner outcomes
- e. assessment of English language development proficiency

Teachers and others playing a role in decisions related to promotion and retention are encouraged to consider other factors when making recommendations. Those factors include:

- a. judgment of the teacher and other staff
- b. social, emotional, and physical development
- c. record of academic achievement and levels of proficiency attained prior to enrollment
- d. factors contributing to academic failure
- e. academic progress during the school year
- f. attendance history

- g. chronological age
- h. effectiveness of past instruction and remediation attempts
- i. previous retentions
- j. additional information provided by parent/guardian and student
- k. knowledge of English language

With respect to students who have been identified as individuals with exceptional needs who are eligible for special education instruction and services, and other students with a disability that affects a major life activity, decisions regarding assessment, instruction, and promotion or retention of these students will be made in accordance with the recommendation of the student's IEP Team or 504 Team, as appropriate.

### **Special Populations**

With regard to special education students, the determination as to the appropriate standards for promotion or retention shall be made part of the IEP process.

Students whose eligible physical and/or mental disabilities create educational needs which require special education (specially designed instruction) and related services (services which enable them to benefit from their special education program) are provided protections under the Individuals with Disabilities Education Act (IDEA). Their educational opportunities will be governed by the development of Individualized Education Plan (IEP) intended to mitigate the effects of the disability on educational performance and assure a beneficial access to a free appropriate education.

Students who are provided protections under IDEA will, in most cases, be placed in the respective grades pursuant to the general requirements of this policy unless the IEP Team develops an IEP which creates an exception to those requirements in response to the effects of the presenting disability. In cases where retention would otherwise be considered, these students may be promoted pursuant to IEP's which provide for appropriate interventions and services to assure that meaningful progress will be made in the higher grade level. If the student is to be retained, the IEP must specify services and interventions intended to assure the effectiveness of the retention.

In some cases, students who are provided protections under IDEA will not be placed in the respective grades but will, instead, be placed in ungraded educational levels such as primary, intermediate, and upper elementary levels. In such cases, movement from one level to the next will be determined by the IEP Team. In very few cases, students who are provided protections under IDEA will not be placed in the respective grades but will, instead, be placed in an ungraded educational pathway and will progress along that pathway as determined by the IEP Team.

Should students who are provided protections under IDEA need them due to needs stemming from their disability, IEP's must reflect any necessary differential standards for promotion and graduation, and necessary modifications to the course of study, any necessary modifications to the administration of tests, and any necessary modifications to the curricula.

Decisions regarding the promotion or retention of English Learners require special considerations. It is inappropriate to retain English Learners who have failed to meet academic standards in areas in which they have only been provided limited instruction. English Learners can be identified at risk of retention based on challenges they face in acquiring proficiency and mastering subject-area content in English. English Learners determined to be at risk will be provided with supplemental instruction designed to meet their needs.

Students with physical and/or mental disabilities which interfere with the major life activity of learning are provided protections under Section 504 of the Rehabilitation Act of the Americans with Disabilities Act (ADA). Their educational opportunities will be affected by the development of accommodation plans intended to mitigate the effects of the disability on educational performance.

Students who are provided protections under Section 504 of the Rehabilitation Act of ADA will be placed in the respective grades pursuant to the general requirements of this policy unless the student study team or pupil study team develops an accommodation plan which creates an exception to those requirements in response to the effects of the presenting disability. If the student is to be retained, the accommodation plan must specify services and interventions intended to assure the effectiveness of the retention.

### **Designation of Teacher**

1. The *teacher* making the recommendation for promotion/retention shall be the teacher who:
  - a. serves as the full-time credentialed teacher for the student during the entire instructional day; or
  - b. provides more than 50% of the student's instruction for any school day.
2. The *Student Study Team or IEP Team* makes the recommendation for promotion/retention for those students enrolled in a departmentalized instructional program.

The recommendation to promote or retain shall be discussed with the *Student Study Team or IEP Team* prior to final decision.

### **Provision of Remedial Instruction**

Pursuant to Education Code Section 48070.5, with parent/guardian consent, the Superintendent or designee may require a student who has been recommended for retention, or identified as being at-risk of retention, to participate in a supplemental instructional program.

The aforementioned services shall be provided to students in the following priority order:

1. Students who have been recommended for retention or who have been identified as being at-risk of retention pursuant to E.C.48070.5.
2. Students who have been identified as having a deficiency in mathematics, reading, or written expression based upon the results of tests administered by the district.

With parent/guardian consent, the Superintendent or designee may require students who have been retained to participate in a supplemental instructional program. If the parent/guardian does not consent to the proposed remedial instruction, a memorandum of record shall be placed in the student's cumulative record.

### **Final Teacher Recommendation for Retention/Promotion**

If the teacher's recommendation to promote is contingent on the student's participation in an extended year program and/or remediation program, the student's academic performance shall be reassessed at the end of the program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parent/guardian and the Student Study Team or IEP Team before any final determination of retention or promotion.

### **Appeal of Teacher's Decision to Retain or Promote Student**

The teacher's decision to retain or promote a student may be appealed by the student's parent or guardian; or the site administrator. The burden shall be on the appealing party to show why the teacher's decision should be overruled.

1. The decision to promote or retain a student may be appealed consistent with Board Policy, administrative regulations, and the law.
2. The burden shall be on the appealing party to show why the teacher's decision should be overruled.

3. To appeal the teacher's decision, the parent/guardian and the student/or site administrator, if appropriate, shall submit a written request to the Superintendent or designee specifying the reasons why the teacher's decision should be overruled. The appeal must be initiated within ten (10) school days of the determination of retention or promotion. The teacher, IEP Team, or Student Study Team shall be provided an opportunity to state orally and/or in writing the criteria on which the decision was based.
4. If the Superintendent or designee determines that the appealing party has overwhelmingly demonstrated that the decision should be overruled, then the Superintendent or designee shall overrule the decision.
5. If the decision is unfavorable to the appealing party, he/she shall have the right to submit a written statement, which shall become part of the student's record.

BOARD ADOPTION/REVISION: June 12, 2001  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5011

#### SUSPENSION AND EXPULSION/DUE PROCESS

The Board of Trustees has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

School will prioritize and use alternative means of correction when appropriate. These means may include:

- A conference between school personnel, the pupil's parent or guardian, and the pupil.
- Referrals to the school counselor, psychologist, or other school support service personnel for case management and counseling.
- Study teams and other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents.
- Referral for a comprehensive psychosocial or psycho-educational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973.
- Participation in a restorative justice program.
- A positive behavior support approach with tiered interventions that occur during the school day on campus.
- After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
- Community service on campus, or off campus with the written consent of the parent or guardian.

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have

failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others. (Education Code 48915)

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in administrative regulation.

The removal of potentially dangerous students from school campuses is a top priority. All students will receive fair and equal treatment in accordance with Board policy and the law.

### Student Due Process

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

### Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on finding either or both of the following: (Education Code 48915 (b) and (e))

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

### Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915 (a))

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any knife as defined by Education Code 48915 (g), explosive or other dangerous objects of no reasonable use to the student.

3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis.
4. Robbery or extortion.
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

#### Mandatory Recommendation and Mandatory Expulsion

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915 - c)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife as defined in Education Code 48915 (g) at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

#### Decision not to Enforce Expulsion Order

In cases where expulsion is mandatory pursuant to Education Code 48915-c, the enforcement of an expulsion order shall not be suspended by the Board. In all other cases of expulsion, the order for expulsion may be suspended by the Board, on case-by-case basis, pursuant to the requirements of law.

#### Legal References:

##### EDUCATION CODE

212.5 Sexual harassment

233 State Board of Education and State Department of Education actions

1981 Enrollment of pupils

17292.5 Expelled pupils program; operation of program; lease agreements for facilities

35146 Closed sessions (re suspensions)



35291 Rules (for government and discipline of schools)  
35291.5 Rules and procedures on school discipline; adoption; enforcement; notice; filing; review  
48660-48667 Community day schools  
48900-48927 Suspension or expulsion  
48950 Speech and other communication  
49073-49079.7 Privacy of pupil records

#### CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

#### GOVERNMENT CODE

11455.20 Contempt  
54950-54962 Ralph M. Brown Act (re closed session)

#### HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia  
11053-11058 Standards and schedules

#### LABOR CODE

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

#### PENAL CODE

240 Assault defined  
242 Batter defined  
243.4 Sexual battery  
245 Assault with deadly weapon  
261 Rape defined  
266c Unlawful sexual intercourse  
286 Sodomy defined  
288 Lewd or lascivious acts with child under age 14  
288a Oral copulation  
289 Penetration of genital or anal openings  
417.25-417.17 Laser scope  
422.6 Interference with civil rights; damaging property  
422.7 Aggravating factors for punishment  
422.75 Protected classes  
626.2 Entry upon campus after written notice of suspension or dismissal without permission  
626.9 Gun-Free School Zone Act of 1995  
626.10 Dirks, daggers, knives, razors or stun guns  
868.5 Supporting person; attendance during testimony of witness

#### UNITED STATES CODE, TITLE 20

6301-8962 Improving America's Schools Act, especially;  
8921-8922 Gun-Free Schools Act of 1994

#### COURT DECISIONS

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App.  
3d 11

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301, 308

#### ATTORNEY GENERAL OPINIONS

80 Ops. Cal. Atty. Gen. 347 (1997)

80 Ops. Cal. Atty. Gen. 92 (1997)

80 Ops. Cal. Atty. Gen. 85 (1997)

BOARD ADOPTION/REVISION: March 25, 2003  
October 18, 2011  
May 21, 2014

# **Lagunitas School District**

## **San Geronimo, California**

### ADMINISTRATION REGULATION 5011

### SUSPENSION AND EXPULSION/DUE PROCESS

#### Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

- Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of students of the same grade level.
- Referral to a certificated employee designated by the principal to advise students.
- Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specially provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

### Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment. (Education Code 35291.5, 48900.1, 48980)

Notification shall include information about the availability of individual school rules and all district policies and regulations pertaining to student discipline. (Education Code 35291)

### Grounds for Suspension and Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900 (a))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student 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. (Education Code 48900 (b))
3. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverages, or an intoxicant of any kind. (Education Code 48900 (c))
4. Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage or an intoxicant of any kind, and either sold, delivered or otherwise furnished to a person another liquid, substance or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant. (Education Code 48900 (d))
5. Committed or attempted to commit robbery or extortion. (Education Code 48900 (e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900 (f))

7. Stole or attempted to steal school property or private property. (Education Code 48900 (g))
8. Possessed or used tobacco, or products containing tobacco or nicotine products, including but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products. (Education Code 48900 (h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900 (i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code. (Education Code 48900 (j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. This must be the third offense for grades 6 – 8, with two documented “other means of correction” for the first two offenses. (Education Code 48900 (k))
12. Knowingly received stolen school property or private property. (Education Code 48900 (l))
13. Possessed an imitation firearm. As used in this section, “imitation firearm” means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900 (m))
14. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. (Education Code 48900 (n))
15. Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both. (Education Code 48900 (o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900 (p))

17. Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events. (Education Code 48900 (q))
18. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivision (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel. (Education Code 48900 (r))
19. Made terroristic threats against school officials, school property, or both. (Education Code 48900.7)

A student in grades 4 through 8 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

20. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)
21. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)
22. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment. (Education Code 48900.4)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances: (Education Code 48900)

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

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities.

### Removal from Class by a Teacher/Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the school day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal and send the student to the principal for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed.

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent/teacher conference regarding the removal. A counselor or psychologist should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests.

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

This notice shall also ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1.

### Suspension by Superintendent, Principal or Principal's Designee

The Superintendent, principal or principal's designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing s knife, as defined in Education Code 48915 (g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines the student violated items #1-4 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

The Superintendent or designee may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which a student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:



1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the principal, designee or the Superintendent with the student and, whenever practicable, the teacher, supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911 (b))

This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911 (c))

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior.
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make the effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. **Parent/Guardian Conference:** Whenever a student is suspended, the principal will make every effort to meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911 (g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

#### Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal or Principal's Designee" above. (Education Code 48912)

When the Board is considering a suspension, disciplinary action or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079.

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

#### Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on finding either or both of the following: (Education Code 48915 (b) and (e))

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

#### Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915 (a))

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any knife as defined by Education Code 48915 (g), explosive or other dangerous objects of no reasonable use to the student.
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis.
4. Robbery or extortion.
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

#### Mandatory Recommendation and Mandatory Expulsion

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915 (c))

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written

- permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife as defined in Education Code 48915 (g) at another person.
  3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
  4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

#### Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918 (a))

The student is entitled to one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918 (a))

If the Board finds it impractical during the school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918 (a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918 (a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918 (a))

#### Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing.
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies.
3. Have a closed hearing during the time he/she testifies.

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

#### Written Notice of the Expulsion Hearing

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918 (b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915 (a or c).
5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a non-attorney advisor. Legal Counsel means an attorney or lawyer who is admitted to the practice

of law in California and is an active member of the State Bar of California. Non-attorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

#### Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated.

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48928 (c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918 (c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonable accurate and complete written transcription of the proceedings can be made. (Education Code 48918 (g))
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the

Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20 (formerly 11525). (Education Code 48918 (I))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48928 (I))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918 (I))

4. Presentation of Evidence: While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion" above.

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918 (f) and (h))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 45918)

- Any complaining witness shall be given five days notice before being called to testify.

- Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.
- Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.
- Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a non-threatening environment.
  1. The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
  2. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
  3. The person conducting the hearing may:
    - Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness.



- Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
  - Permit one of the support persons to accompany the complaining witness to the witness stand.
6. Decision Within 10 Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))
  7. Decision Within 40 Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918 (a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student enrolled. (Education Code 48918 (d))

A hearing conducted by the hearing officer or administrative panel conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing."

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers and with the student's parent/guardian. (Education Code 48918 (e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (See "Decision Not to Enforce Expulsion Order" below).

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918 (a))

#### Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918 (j))

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review as well as assessment of the student at the time of review for readmission.
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and other rehabilitative programs.

With parental consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

#### Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900 (a) - (o), Education Code 48900.2-48900.4 and Education Code 48915 (c) (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

#### Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior.
2. The seriousness of the misconduct.
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program.

The suspension of the enforcement of an expulsion shall be governed by the following: (Education Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.

2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.
7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918 (j))

#### Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision to the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

#### Post-Expulsion Placements

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems.
2. Not provided at a comprehensive middle, junior or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site.

3. Not housed at the school site attended by the student at the time of suspension.

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6 through #13 and #17 through #19 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

### Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)

6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative education program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

#### Maintenance of Records

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls, within five days of a written request by the admitting school. (Education Code 48900.8, 48918 (k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

#### Notifications to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900 (c), or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

BOARD ADOPTION/REVISION: March 25, 2003  
October 18, 2011  
May 21, 2014

# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5012

### STUDENTS RECORDS

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The Superintendent or designee shall establish regulations governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect and copy student records and shall protect the student and the student's family from invasion of privacy.

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

#### Legal References:

#### EDUCATION CODE

48904-48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts' notice to rescind decision to withhold

48918 Rules governing expulsion procedures; hearings; notice; decision in absence of request for postponement.

49060-49079 Pupil records

49091.14 Prospectus of school curriculum

#### CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

#### FAMILY CODE

3025 Access to records by noncustodial parents

#### GOVERNMENT CODE

6252-6260 Inspection of public records

#### WELFARE AND INSTITUTIONS CODE

16010 Health and education records of a minor

CODE OF REGULATIONS, TITLE 5  
430-438 Individual pupil records  
16020-16028 Destruction of records of school districts

UNITED STATES CODE, TITLE 20  
1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy  
300.500 Definition of "personally identifiable"  
300.501 Opportunity to examine records for parents of student with disability  
300.573 Destruction of information

BOARD ADOPTION/REVISION: April 8, 2003  
October 18, 2011



# **Lagunitas School District**

## **San Geronimo, California**

### ADMINISTRATION REGULATION 5012

#### STUDENT RECORDS

##### Definitions

Student record is any item of information other than directory information, gathered within or outside the district, that is directly related to an identifiable student and maintained by the district or required to be maintained by an employee in the performance of his/her duties. Any information maintained for the purpose of second-party review is considered a student record. A student record may be recorded in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche or by other means. Student records include the student's health record. They do not include informal notes compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute.

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

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

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

Access means a personal inspection and review of a record, an accurate copy of a record or receipt of an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any record.

Disclosure means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written or electronic means.

Personally identifiable information includes but is not limited to the student's name, the name of the student's parent/guardian or other family member, the address of the student or student's family, a personal identifier such as the student's social security number or student number, and a list of personal characteristics or other information that would make the student's identity easily traceable.

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

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

A legitimate educational interest is one held by officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

### Changes to Student Records

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

Only a parent/guardian having legal custody of the student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

### Retention and Destruction of Student Records

The following mandatory permanent student records shall be kept indefinitely:

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

Unless forwarded to another district, mandatory interim student records shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918)

1. Expulsion orders and the causes therefore.

2. A log identifying persons or agencies who request or receive information from the student record.
3. Health information, including Child Health and Disability Prevention Program verification or waiver.
4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge.
5. Language training records.
6. Progress slips/notices required by Education Code 49066 and 49067.
7. Parental restrictions/stipulations regarding access to directory information.
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action.
9. Parent/guardian authorization or denial of student participation in specific programs.
10. Results of standardized tests administered within the past three years.

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

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

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

#### Persons with Access to Student Records

Persons, agencies or organizations specifically granted access rights pursuant to state law shall have access without written parental consent or judicial order. In addition, parental

consent is not required when information is shared with other persons within educational institutions, agencies or organizations obtaining access, as long as those persons have a legitimate educational interest in the information. (Education Code 49076)

The following persons or agencies shall have absolute access to any and all student records in accordance with state law:

1. Natural parents, adoptive parents, or legal guardians of students younger than age 18 (Education Code 49069)
  - a) Access to student records and information shall not be denied to a parent because he/she is not the child's custodial parent. (Family Code 3025)
2. Adult students age 18 or older or students under the age of 18 who attend a post secondary institution, in which case the student shall alone exercise rights related to his/her student records and grant consent for the release of records (Education Code 49061)
3. Those so authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077)

In addition, the following persons or agencies shall have access to those particular records that are relevant to the legitimate educational interests of the requester: (Education Code 49076)

1. Natural parents, adoptive parents or legal guardians of a dependent student age 18 or older.
2. Students 16 or older or who have completed the 10<sup>m</sup> grade.
3. School officials and district employees.
4. Members of a school attendance review board, and any volunteer aide age 18 or older who has been investigated, selected and trained by such a board to provide follow-up services to a referred student.
5. Officials and employees of other public schools or school systems where the student intends or is directed to enroll, including local, county or state correctional facilities where educational programs leading to high school graduation are provided.
6. Federal, state and local officials, as needed for program audits or compliance with law.
7. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition.

8. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws.
9. Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.

County child welfare services workers responsible for the case plan of a minor who is being placed in foster care shall have access to the student's school records. (Welfare and Institutions Code 16010)

When authorized by law to assist law enforcement in investigations of suspected kidnapping, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another district or private school within the state. The information shall be released only to designated peace officers, federal criminal investigators and federal law enforcement officers whose names have been submitted by their law enforcement agency in writing. (Education Code 49076.5)

The Superintendent or designee may release information from student records to the following: (Education Code 49076)

1. Appropriate persons in an emergency if the health and safety of a student or other person are at stake.
2. Agencies or organizations in connection with a student's application for or receipt of financial aid.
3. Accrediting associations.
4. Under the conditions specified in Education Code 49076, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating or administering predictive tests, administering student aid programs or improving instruction.
5. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll.
6. County elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register.

Persons, agencies or organizations not afforded access rights pursuant to state law may be granted access only through written permission of the parent/guardian, adult student or by judicial order. (Education Code 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent may grant consent if both parents notify the district, in writing, that such an agreement has been made. (Education Code 49061)

Any person or agency granted access is prohibited from releasing information to another person or agency without written permission from the parent/guardian or adult student. (Education Code 49076)

### Procedures for Access

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49060)

To inspect, review or obtain copies of student records, authorized persons shall submit a request to the custodian of records.

Authorized persons from outside the school whose access requires consent from the parent/guardian or adult student shall submit their request, together with any required authorization, to the Superintendent or designee or the custodian of records.

Within five days following the date of request, an authorized person shall be granted access to inspect, review and obtain copies of student records during regular school hours. (Education Code 49069)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

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

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

Prior to disclosing a record pursuant to a court order, the Superintendent or designee shall, unless otherwise instructed by the order, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested if lawfully possible within the requirements of the judicial order.

When the district discloses personally identifiable information to officials of another school, school or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the

record that was disclosed, and give him/her an opportunity for a hearing to challenge the record.

### Duplication of Student Records

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of furnishing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

### Access Log

A log shall be maintained for each student's record which lists all persons, agencies or organizations requesting or receiving information from the records and the legitimate educational interest of the requester. (Education Code 49064)

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

The log does not need to include: (Education Code 49064)

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

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student age 16 years or older or who has completed the 10<sup>th</sup> grade, custodian of records, and certain state/federal officials. (Education Code 49064)

### Transfer of Student Records

If a student transfers into this district from any other school district or private school, the Superintendent or designee shall inform the parent/guardian of his/her rights regarding student records, including the right to review, challenge and receive a copy of student records. (Education Code 49068)

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent records as requested by the other district or private school. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school.

When informed that a district student in foster care is transferring to another local educational agency, the Superintendent or designee shall cooperate to ensure that the student's health and education records are transferred to the receiving district. The district shall transfer the records within five working days of receiving notification regarding the student's new educational placement. (Education Code 49069.5)

All student records shall be updated before they are transferred.

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

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

#### Notification of Parents/Guardians

Upon students' initial enrollment and at the beginning of each year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, the district shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled. (Education Code 49063)

The notice shall include information about: (Education Code 49063)

1. The types of student records kept by the district and the information contained herein.
2. The titles of the officials responsible for maintaining each type of record.
3. The location of the log identifying those who request information from the records.
4. District criteria for defining "school officials and employees" and for determining "legitimate educational interest."
5. District policies for reviewing and expunging student records.



6. The right to inspect and review student records, and the procedures for doing so.
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights.
8. The cost, if any, charged for duplicating copies of records.
9. The categories of information defined as directory information pursuant to Education Code 49073.
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law.
11. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions and instructional aims of every course offered by the school.
12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the district to comply with 20 USC 1232g.
13. A statement that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll.

BOARD ADOPTION/REVISION: April 8, 2003  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5013

#### INTERDISTRICT ATTENDANCE

The Governing Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons.

The Board desires to communicate with parents/guardians and students regarding the educational programs and services that are available in the district.

#### Alternative Interdistrict Attendance Program

The Board elects to participate in the state's alternative interdistrict attendance program. The Superintendent or designee shall establish an alternative interdistrict attendance selection process which ensures that transfer students are admitted to district schools through a random, unbiased process.

The Board shall annually determine the number of interdistrict transfer students the district will accept through the alternative attendance program for the following school year. The Board shall also identify the schools, grade levels and programs that will be able to accept these additional students.

Because the district admits students in accordance with the alternative interdistrict attendance program pursuant to Education Code 48300-48315, the Superintendent or designee may admit a student based on an individual interdistrict attendance agreement only in situations of extreme need and upon the request of the district of residence.

The Superintendent or designee may deny applications for interdistrict transfers because of overcrowding within district schools or limited district resources.

- The district will not approve any application for interdistrict transfer into K-3 classrooms that are projected to have 20 or more students in the school year following the date the application is received.
- The Board will not approve any applications for inter-district transfer into 4-6 classrooms that are projected to have 26 or more students and 20 students in the multi-grade classroom in the school year following the date the application is received. The percent of mix of students in grade levels within multi-grade to be determined annually.

BOARD ADOPTION/REVISION: August 23, 2005  
June 26, 2007  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### ADMINISTRATION REGULATION 5013

#### INTERDISTRICT ATTENDANCE

##### Alternative Interdistrict Attendance Program

Applications for Interdistrict attendance shall be submitted to the District office between November 1 and January 1 of the school year preceding the school year for which the student may be transferred. The application deadline may be waived upon agreement between the district and the district of residence.

In addition, the application deadline shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application (Ed. Code 48308).

When the Board determines that openings for the school programs exist, the Board will conduct a lottery to determine which students are selected to complete the interdistrict process.

For purposes of the lottery, the following students will be given priority:

1. Children of military personnel.
2. Siblings of students already in attendance in the district. (Ed. Code 48306)
3. Children of current employees.

The following students will automatically be included on class lists, and exempted from the lottery.

1. A student whose primary residence is either under construction or in the process of purchase or rental within the district boundaries, with family occupancy expected at a reasonable time to attend district schools.
2. A student who has transferred out of the District, but is entering or 8<sup>th</sup> grade and wishes to complete elementary school with his/her classmates.

District resident students who move out of the school district will no longer be considered resident students and, should they wish to continue attending school in the Lagunitas School District, they must apply to their new district of residence for an Interdistrict transfer to the Lagunitas School District. When this request is submitted to the Lagunitas School Board, the Governing Board has three options, depending upon school enrollment and impact on class configurations:

1. Authorize the student to remain in the school district through the end of the school year, but do not accept them as a long-time interdistrict transfer. The student could participate in the annual interdistrict transfer lottery for the following school year, if a position is made available at their grade level.
2. Accept the students as an interdistrict transfer, which would assure that their status would be automatically renewed on an annual basis unless the district withdraws entirely from the program.
3. Deny the interdistrict transfer request.

#### Application Procedures

1. All communication shall be in writing using the appropriate forms.
2. The student's parent/guardian must first obtain approval for the student's transfer from the student's current district of residence on the appropriate form. The form should be obtained from the student's district of residence.
3. The superintendent or designee may request any information needed to verify the validity of the request from the student, parent/guardian, other district personnel and/or school personnel from the student's school of residence and last school of attendance.
4. An application for an interdistrict transfer should be received by the Lagunitas School District within 30 days after the student's move out of the district if such a move takes place during the school year, and 30 days prior to a new school year, if the move takes place during the summer months.
5. Appropriate paperwork of approved interdistrict transfer students must be completed and submitted to the school for approval within 30 days of the acceptance of the interdistrict transfer by the Lagunitas School District.

All interdistrict transfers are for one school year only and a request for interdistrict transfer must be resubmitted annually. However, pursuant to Ed. Code 48308, once a student is accepted as an interdistrict transfer, his/her application will be automatically approved as long as the district accepts transfer students.

Existing entrance criteria for specialized schools or programs shall be uniformly applied to all applicants. (Ed. Code 48305).

Not later than 90 days after the district receives an application for transfer, the Superintendent or designee shall notify the parent/guardian in writing whether the application has been provisionally accepted or rejected and of the student's position on any waiting list.

Final acceptance or rejection of applications shall be made by May 15 of the school year proceeding the year for which the student may be transferred. (Ed. Code 48308)

However, if an application is submitted for a student who is residing with a parent/guardian enlisted in the military and that parent/guardian was relocated by the military 90 days prior to the submission of the application, then the district shall make a final decision to accept or reject the application within 90 days of its receipt. If the student's application has been submitted less than 90 days prior to the beginning of the school year, then the district shall accept or deny the application before the school year begins. Upon his/her acceptance, the student may immediately enroll in a district school.

The Governing Board's decision shall be recorded in the minutes of the board meeting at which the determination was made. If the transfer application is rejected, the reason(s) for this determination shall also be recorded in the minutes.

The Superintendent or designee shall notify the parent/guardian and the student's district of residence of the district's decision.

Students admitted through the alternative interdistrict attendance program are deemed to have fulfilled district residency requirement pursuant to Ed. Code 48204 (Education Code 48301).

Final acceptance of the transfer is applicable for one school year and shall be renewed automatically each year unless the Board, by adoption of a resolution, withdraws from participation in the program and no longer accepts transfer students from other districts. (Ed. Code 48308)

The District may accept any completed coursework, attendance and other academic progress credited to an accepted student by any district(s) he/she has previously attended and may grant academic standing to the student based upon the district's evaluation of the student's academic progress. (Ed. Code 48309)

The district may revoke a student's enrollment if he/she is recommended for expulsion pursuant to Ed. Code 48918. (Ed. Code 48309)

The district may deny a transfer under the alternative interdistrict attendance program if:

1. The Board determines that the transfer into or out of the district would negatively impact a court-ordered or voluntary desegregation plan of the district. (Ed code 48301)
2. The transfer into the district would require the district to create a new program to serve that student. (Ed. Code 48303)
3. The number of transfer out of the district exceeds the limit specified in Ed. Code 48307.

## Transportation

The district shall not provide transportation outside the school's attendance area. However, upon request, the Superintendent or designee may authorize transportation for students living outside the attendance area to and from designated bus stops within the attendance area if space is available. Priority for such transportation shall be based on demonstrated financial need.

BOARD ADOPTION/REVISION: August 23, 2005  
June 26, 2007  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5014

#### INTERDISTRICT TRANSFER AGREEMENT/DISTRICT OF CHOICE

The Governing Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons. The Board desires to communicate with parent/guardians and students regarding the school's policy for accepting interdistrict transfers and educational programs and services that are available.

The Governing Board elects to participate in the state's alternative interdistrict attendance program to maintain ideal class size configurations for the benefit of students pursuant to Education Code 48300-48315.

Pursuant to Education Code 48301, the Governing Board shall annually determine the number of new interdistrict transfers the district will accept through the alternative attendance program for the following year based on school enrollment and classroom configurations. The Board will also identify the grade levels and programs that will be able to accept these additional students based on parent choice and program recommendation.

The Superintendent or designee shall establish an alternative attendance selection process that ensures that students are admitted to district schools through a random, unbiased procedure which prohibits evaluation of a student's academic or athletic performance.

When the Governing Board determines that openings for the school program exist, the Governing Board will conduct a lottery to determine which students are selected to complete the interdistrict transfer process. For the purposes of the lottery, the following students will be given priority status;

1. The sibling of a student who has already been granted an interdistrict transfer under the Alternative Interdistrict Attendance Program (Education Code 48306)

The following students will automatically be included on class lists, and exempted from the lottery:

1. A student whose primary residence is either under construction or in the process of purchase or rental within the district boundaries, with family occupancy expected at a reasonable time to attend district schools.
2. A student who has transferred out of the District, but is entering or 8<sup>th</sup> grade and wishes to complete elementary school with his/her classmates.

All interdistrict transfers are for one school year only and a request for interdistrict transfer must be resubmitted annually. However, pursuant to Education Code 48308, once a student is accepted as an interdistrict transfer, his/her application will be automatically approved as long as the district accepts transfer students.

Since the District admits students in accordance with the state's alternative interdistrict attendance program, the Board shall not accept transfer requests pursuant to an interdistrict attendance agreement except upon request of the district of residence in situations of extreme need.

District resident students who move out of the school district will no longer be considered resident students and, should they wish to continue attending school in the Lagunitas School District, they must apply to their new district of residence for an interdistrict transfer to the Lagunitas School District. When this request is submitted to the Lagunitas School Board, the Governing Board has three options, depending upon school enrollment and impact on class configurations:

- a) Authorize the student to remain in the school district through the end of the school year, but do not accept them as a long-term interdistrict transfer. That student could participate in the annual interdistrict transfer lottery for the following school year, if a position is made available at their grade level.
- b) Accept the student as an interdistrict transfer, which would assure that their status would be automatically renewed on an annual basis unless the district withdraws entirely from the program.
- c) Deny the interdistrict transfer request.

#### Application Procedures

1. All communication shall be in writing using the appropriate forms.
2. The student, parent/guardian must first obtain approval for the student's transfer from the student's current district of residence on the appropriate form. The form should be obtained from the student's district of residence.
3. The Superintendent or designee may request any information needed to verify the validity of the request from the student, parent/guardian, other district personnel and/or school personnel from the student's school of residence and last school of attendance.
4. An application for an interdistrict transfer should be received by the Lagunitas School District within 30 days after the student's move out of the district if such a move takes place during the school year, and 30 days prior to a new school year, if the move takes place during the summer months.



5. Appropriate paperwork of approved interdistrict transfer students must be completed and submitted to the school for approval within 30 days of the acceptance of the interdistrict transfer by the Lagunitas School District.

Legal References:

EDUCATION CODE

48300-48315 Interdistrict attendance agreements

48301 Residency requirements for school attendance

48300-48308 Student attendance alternatives

48306 Attendance of siblings

48309 Expulsion of students with interdistrict transfer agreements

BOARD ADOPTION/REVISION: August 23, 2005  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5015

#### STUDENT AND FAMILY PRIVACY RIGHTS

The Governing Board believes that personal information concerning district students and their families should be kept private in accordance with law.

The Superintendent or designee shall consult with parents/guardians regarding the development and adoption of this policy.

#### Collection of Personal Information for Marketing Purposes

The Board prohibits district staff from administering or distributing to students survey instruments that are designed for the purpose of collecting personal information for marketing or for selling that information.

#### Legal References:

##### EDUCATION CODE

49450-49458 Physical examinations

49602 Confidentiality of pupil information

51101 Rights of parents and guardians to information; mutually supportive partnership between parents and educators; policy development.

51513 Materials containing questions about beliefs or practices in sex, family life, morality, and religion; requirements.

51938 Right of parent or guardian; time to exercise right; notification of course content and materials; tools to measure pupil's health behavior and risks; outside consultants or guest speakers.

##### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

#### Management Resources:

#### WEB SITES

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

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

USDOE, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco/> (11/02)

BOARD ADOPTION/REVISION: April 3, 2008  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### ADMINISTRATION REGULATION 5015

### STUDENT AND FAMILY PRIVACY RIGHTS

#### Definition

Personal information means individually identifiable information including a student's or parent/guardian's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a social security identification number. (20 USC 1232h)

#### Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian shall provide prior written consent before the student participates in a survey containing one or more of the following items: (20 USC 1232h; Education Code 51513)

1. Political affiliations or beliefs of the student or his/her family.
2. Mental or psychological problems of the student or his/her family.
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality.
4. Illegal, anti-social, self-incriminating or demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers.
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian.
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program.

If a student participates in a survey regarding information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

Notwithstanding the above requirements, the district may administer to students in grades 7-8, anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about the student's attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request that their child not participate. (Education Code 51938)

## Parent/Guardian Access to Surveys and Instructional Materials

Before school staff administers a survey or evaluation containing personal information as identified above or distributes an instrument to a student for the purpose of collecting personal information for marketing, the student's parent/guardian may: (20 USC 1232h; Education Code 51938)

1. Upon request, inspect that survey or instrument before it is administered or distributed to his/her child or any instructional material used as part of his/her child's educational curriculum.

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time of receiving a request, the principal or designee shall permit a parent/guardian to view a survey, instrument or instructional material. A parent/guardian may view the document any time during normal business hours.

2. Refuse to allow his/her child to participate in the activity.

Students whose parents/guardians exercise this option shall not be penalized by the district. (20 USC 1232h)

## Health Examinations

No school official or staff member shall subject a student to a non-emergency, invasive physical examination as a condition for school attendance, except as permitted or required under California law. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion or injection into the body, but does not include a properly authorized hearing, vision or scoliosis screening. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)

(cf. 5141.3 - Health Examinations)

## Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

1. The district's policy regarding student privacy.
2. The process to opt their children out of participation in any activity described in this policy and administrative regulation.

3. "The specific or approximate dates during the school year when the following activities are scheduled:
  - a. Survey requesting personal information.
  - b. Physical exams or screenings.
  - c. Collection of personal information from students for marketing.

Parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC ]232h)

BOARD ADOPTION/REVISION: April 3, 2008  
October 18, 2011

# **Lagunitas School District**

## **San Geronimo, California**

### BOARD POLICY 5016

### STUDENT WELLNESS

#### Responsibilities

The School Board of Trustees recognizes the important connection between a healthy diet, physical activity, environmental and nutrition education and a student's ability to learn effectively and achieve high standards in school. The Board also recognizes the school's role, as part of the larger community, to promote family health, sustainable agriculture and environmental restoration.

The School Board of Trustees recognizes that preparing and eating a meal together is a fundamental experience for all peoples; a primary way to nurture and celebrate our cultural diversity and an excellent bridge for building friendships and inter-generational bonds.

#### Mission

The educational mission is to improve the health of the entire community by teaching students and families ways to establish and maintain life-long healthy lifestyle habits. The mission shall be accomplished through nutrition and healthy-eating education, garden experiences, the food served in schools, core academic content in the classroom and physical activity opportunities.

#### Goals

- Ensure that no student in the Lagunitas Elementary School District is hungry.
- Ensure that a healthy and nutritious snack and lunch is available to every student at each school so that the students are prepared to learn to their fullest potential.
- Ensure that all qualified children become eligible for free meals.
- Ensure maximum availability of the school meal program by developing a coordinated, comprehensive outreach and promotion program to ensure that all who are eligible receive free and reduced lunches.
- Ensure that the nutritional value of the food served significantly improves upon USDA Dietary Guidelines by providing nutritious, fresh, tasty, locally grown food that reflects San Geronimo Valley's cultural diversity.

- Ensure that the food served shall be organic to the maximum extent possible, as defined by the California Certified Organic Farmers.
- Serve meals in a pleasant environment with sufficient time for eating, while fostering good manners and respect for fellow students.
- Maximize the reduction of waste by recycling, reusing, composting and purchasing recycled products. Each school site shall have a recycling program.
- Ensure that each student receives nutrition and physical education to assist in the formation of life-long health habits.
- Ensure that connections and partnerships are made in the community to reinforce these goals and increase health in the larger community.

#### **I. Establishment of a Nutrition/Wellness Advisory Council**

In order to achieve these goals, a nutrition/wellness advisory council shall be established to discuss food and wellness related topics of concern to the school community and help make policy recommendations to the School Board of Trustees. The Board's policy related to student wellness shall be developed with the involvement of parents/guardians, students, school food service professionals, school administrators, Board representatives and members of the public. At the discretion of the superintendent or designee, the Council will develop, implement, monitor and review this policy and others related to school nutrition and physical activity.

The Nutrition/Wellness Advisory Council shall have the following members:

1. One parent representative from each of the four District Programs.
2. One Lagunitas School District administrator.
3. One Community Center representative.
4. Two classified employees appointed by their employee organization – PE and food services personnel preferred.
5. Two certificated employees appointed by their employee organization
6. The Garden Coordinator
7. Two student representatives appointed by the Student Council to advise council on student interests.

The Nutrition/Wellness Advisory Council shall meet at least two times a year at hours convenient for public and student participation. The Council will meet initially in the fall to determine focus for the year and then in the spring to review

progress for the year. Additional meetings can be scheduled as needed. The Nutrition/Wellness Advisory Council will ensure student participation. The Nutrition/Wellness Advisory Council will meet annually with the school board to share and review recommendations.

II. Nutrition Education, Physical Activity and other school-based activities that promote student wellness.

The Board shall adopt goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the District determines appropriate.

**Goals for Nutrition Education**

The goal of the School Board is that every student is able to demonstrate the healthy living styles that are being taught and modeled to them, to ensure that every student has a healthy body and that students are given the tools to make healthy choices to and ensure that the environment fosters healthy self-esteem. To that end, the District intends to teach, encourage and support healthy eating by the students. We will engage in the following activities to promote healthy eating and lifestyle:

- Integrate eating experiences, gardens, and nutrition and healthy eating education into the curriculum for math, science, social studies and language arts at all grade levels.
- Nutrition Education is generally consistent with expectations established in the state's curriculum framework.
- Maintain a school garden to give students the opportunity to plant, harvest, prepare, cook and eat the food that they have grown.
- Encourage farmers and farm workers to come to the school classroom and arrange for students to visit farms.
- Solicit student preferences in the planning of menus and snacks through annual focus groups, surveys, and taste tests of new foods and recipes.
- Provide cafeteria staff with USDA approved computer software, training and support to implement nutrient based menu planning.
- Support and encourage teachers and school workers to act in a manner consistent with this policy.



- Encourage consistent communication about nutrition and wellness between home and school and engage in distribution of health education materials to the home.
- Provide, as resources allow, health, obesity and body image training opportunities for students.
- Strive to provide healthy snacks/foods at all school sponsored events.
- Staff shall encourage parents, volunteers and staff to support the school's nutrition program when selecting snacks which they may donate for occasional parties and limiting foods or beverages that do not meet nutritional standards set forth by the school policy.
- The School Board discourages the use of food or physical activity as a reward or punishment.

### **Goals for Physical Education**

The School Board of Trustees recognizes the positive health benefits of physical activity for student health and academic achievement. The District will provide opportunities for all students to engage in physical activities that are appropriate and meet minimum requirements.

- Students in the Lagunitas School District shall continue to receive the recommended 100 - 225 minutes per week of dedicated physical activity each week.
- Exemptions will be permitted for students whose medical conditions do not allow for general, inclusion, modified or adapted physical education programs.
- Appropriate alternate activities will be provided for students with limitations.
- Activities will be within the school's guidelines for safety.
- Teachers and other school personnel shall not use physical activity as a punishment.
- Students will have an opportunity for physical activity through the school garden.
- Students will be provided with up to 20 minutes per day of supervised recess, preferably outdoors.

- Students will be provided safe and adequate outdoor play equipment to encourage physical activity.
- When resources are available, the District will provide regular professional development opportunities to teachers and staff generally consistent with the state's curriculum frameworks.
- Teachers will be encouraged to integrate physical activities into classroom/field trips.

### **III. Nutrition Guidelines for Food and Beverages**

The School Board of Trustees shall adopt nutrition guidelines selected by the District for all foods available on each campus during the school day, with the objectives of promoting student health and reducing childhood obesity.

- The Board believes that foods and beverages available to students should support the health curriculum and promote optimal health.
- Nutrition standards adopted by the district for all foods and beverages sold to students, including foods and beverages provided through the district's food service program, student stores, vending machines, fundraisers, or other venues shall meet or exceed state and federal nutrition standards.
- The Board will prohibit the marketing and advertising of non-nutritious foods and beverages.
- The District will encourage the use of healthy snacks, foods and beverages at all school sponsored events. The school will encourage parents, teachers and volunteers to provide healthy snacks when they donate food to school activities.
- The District will provide locally grown organic produce to the fullest extent possible in the school lunch program and all school activities.
- The District will use whole, unprocessed foods and ingredients to the fullest extent possible.
- The District will limit fats, chemicals, hormones and other potentially harmful substances to the fullest extent possible.
- Ingredients and nutritional information shall be available to students, parents and school employees for the reimbursable meal program.

- The District will promote, to the fullest extent possible, a sustainable food cycle which would include preparing foods from local sources with student participation whenever possible.

#### **IV. Nutrition Guidelines for Child Nutrition Reimbursable Meal Programs**

Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 1758 (f) (1), 1766 (a) and (b), as they apply to schools.

- Rationale for participating or not participating in all available federal school nutrition programs should be presented to the board annually.
- It should be ensured that free and reduced lunches are available to every eligible student.
- Outreach should take place to ensure that all eligible students are taking advantage of the free and reduced programs.
- All school meals will reach or exceed local, state, and federal nutrition requirements.
- All foods and beverages served by the school as part of the federally reimbursed food program will meet or exceed USDA guidelines.
- Meals are served in reasonable time intervals.
- The meals are appealing and attractive to the students.
- The food shall be served in a pleasant, clean safe environment.
- Children will be allowed sufficient time to enjoy their meals.
- The students should be offered a minimum of required fruits and vegetables at each meal and be encouraged to try new things.
- The District will strive to minimize packaging used in all aspects of the school lunch program.

#### **V. Program Implementation and Evaluation**

The Board shall establish a plan for measuring implementation of the food policy. The Superintendent shall designate at least one person within the district and at each school site who is charged with the operational responsibility for ensuring that the school sites implement the district's Wellness Policy.

- The Board will ensure the setting of goals for the implementation of the policy and monitoring its progress and evaluation.
- The District will provide and use a standardized method of evaluation annually, such as the CDC School Health Index.
- Staff and community members will continue to serve as resources to support the implementation and review of the policy.
- The District will, when resources allow, provide training and professional development opportunities to staff which serve to further the implementation of the policy.

## **VI. Waste Reduction and Sustainable Agriculture Education**

The District will, to the best extent possible:

- Ensure that cafeterias are part of the environmental education of students and staff through reducing waste, composting, recycling and purchasing recycled and ecological materials.
- Purchase food from local food growers as a first priority, based on availability, acceptability, and financial resources.
- Work with other Marin County school districts to increase the amount of products purchased from local farms and organic food suppliers.
- Provide, if resources allow, regular professional development to enable the cafeteria staff to become full partners in providing excellent food for our students.
- Provide regular training, at least annually, to teachers and the cafeteria staff on basic nutrition, nutrition education, and the benefits of organic and sustainable agriculture.

### **A Garden in Every School**

The garden classroom is an ideal setting in which students begin to understand the complexities of natural systems and the need to conserve resources. The garden classroom in the Lagunitas Elementary School District integrates curriculum which promotes awareness of the relationship between the way food is grown, the environment, and health.

An integrated curriculum utilizes the garden as a context for teaching subject matter in the state frameworks. Math, history, science, literature, writing, art and music-all can be

associated with activities in the garden and these subjects can be enriched and anchored by the energy and excitement found in the garden classroom.

Through studying the entire food system, from seed to plate, students come to understand how food reaches the table and the relationship of agriculture and environment. The garden classroom is used to illustrate cycles and systems, such as soil fertility, waste cycles, and watersheds.

As students come to understand their relationship to natural systems and cycle, they can begin to form a context for more sustainable and equitable patterns of living. Key to this understanding is the little garden at the school and lessons it has to teach.

The partners in this effort share a common vision of sustainability and concern for our children and their future. They recognize a need to understand our place in nature, and to know more about food and ecosystems and the cycles of life in order to create sustainable communities.

BOARD ADOPTION/REVISION: May 23, 2006  
October 18, 2011  
November 21, 2013

# **Lagunitas School District San Geronimo, California**

## BOARD POLICY 5017

### FREE AND REDUCED PRICE MEALS

The Governing Board recognizes that adequate nutrition is essential to child development and learning and that some families may be unable to provide breakfast and lunch for their children. In accordance with law, the district shall provide nutritionally adequate free and reduced price meals for students whose families meet federal eligibility criteria.

The Superintendent or designee shall recommend for Board approval a plan that ensures that students eligible to receive free or reduced price meals and milk are not treated differently from other students or easily identified by their peers.

Upon approval of the Board, this plan shall be submitted to the California Department of Education for approval. (Education Code 49557)

All applications and records related to eligibility for the free or reduced price meal program shall be confidential except as provided by law. (Education Code 49558)

In accordance with law, the Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced price meal program for the purpose of: (Education Code 49558)

1. Disaggregation of academic achievement data.
2. Identification of students eligible for school choice and supplemental educational services in any school identified for program improvement.

The Board further authorizes that release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information as provided by Education Code 49557.2.

#### Legal References:

##### EDUCATION CODE

48980 Notice at beginning of term of rights and responsibilities; required content.

49490-49494 School breakfast and lunch program

49500-49505 School Meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition services.

49550-49562 Meals for needy pupils in Kindergarten and Grades 1 to 12

CODE OF REGULATIONS, TITLE 5  
15510 Mandatory meals for needy students  
15530-15535 Nutrition education  
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20  
1232g Federal Educational Rights and Privacy Act  
6301-6514 Title I programs

UNITED STATES CODE, TITLE 42  
1751-1769 National lunch programs  
1771-1791 Child Nutrition

CODE OF FEDERAL REGULATIONS, TITLE 7  
245.1-245.13 Determination of eligibility for free and reduced price meals

BOARD ADOPTION/REVISION: April 18, 2006  
October 18, 2011

## **LAGUNITAS SCHOOL DISTRICT**

### **BOARD POLICY- 5000 – STUDENTS**

#### **# 5018 Instruction**

##### **Transitional Kindergarten**

The Governing Board desires to offer a high-quality transitional kindergarten program for eligible children who do not yet meet the minimum age criterion for kindergarten. The program shall assist children in developing the academic, social, and emotional skills they need to succeed in kindergarten and beyond.

The district's transitional kindergarten shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among preschool providers, elementary teachers, administrators, and parents/guardians in program development, implementation, and evaluation.

##### **Eligibility**

The district's transitional kindergarten program shall admit children whose fifth birthday lies between: (Education Code 48000)

November 1 and December 2 in the 2012-13 school year, October 1 and December 2 in the 2013-14 school year, and September 1 and December 2 in the 2014-15 school year and each school year thereafter

Parents/guardians of eligible children shall be notified of the availability of this program and the age, residency and any other enrollment requirements. Enrollment in the transitional kindergarten program shall be voluntary.

##### **Curriculum and Instruction**

The district's transitional kindergarten program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

Upon recommendation by the Superintendent or designee, the Board shall approve academic standards for transitional kindergarten that bridge preschool learning foundations and kindergarten standards. Such standards shall be designed to facilitate students' development in essential skills which may include, as appropriate, language and literacy, mathematics, physical development, the arts, science, social sciences, English language development, and social-emotional development.



The number of instructional minutes offered in transitional kindergarten shall be the same as that required for the district's kindergarten program in Ed Code. (at least 180 minutes per school day)

Transitional kindergarten students may be placed in the same classrooms as kindergarten students provided that the instructional program is differentiated to meet student needs.

### **Staffing**

Teachers assigned to teach in transitional kindergarten classes shall possess a teaching credential or permit that authorizes instruction at the kindergarten grade level.

The Superintendent or designee may provide professional development as needed to ensure that transitional kindergarten teachers are knowledgeable about district standards and effective instructional methods for teaching young children.

### **Continuation to Kindergarten**

Students who complete the transitional kindergarten program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed parental permission form for kindergarten attendance.

A student shall not attend more than two years in a combination of transitional kindergarten and kindergarten. (Education Code 46300)

### **Program Evaluation**

The Superintendent or designee shall develop or identify appropriate assessments of transitional kindergarten students' development and progress. He/she shall monitor and regularly report to the Board regarding program implementation and the progress of students in meeting related academic standards.

Legal Reference:

EDUCATION CODE

8973 Extended-day kindergarten  
44258.9 Assignment monitoring by county office of education  
46111 Kindergarten, hours of attendance  
46114-46119 Minimum school day, kindergarten  
46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten  
48000 Minimum age of admission (kindergarten)  
48002 Evidence of minimum age required to enter kindergarten or first grade  
48200 Compulsory education, starting at age six  
60605.8 Academic Content Standards Commission, development of Common Core Standards

**Reviewed and approved on: May 29, 2012**

## **LAGUNITAS SCHOOL DISTRICT**

### **BOARD POLICY- PREVENTION OF BULLYING**

#### **# 5019**

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

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

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

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

#### **Bullying Prevention**

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

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

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

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

classrooms, playgrounds, hallways, restrooms, cafeterias.

### Intervention

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

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

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

### Complaints and Investigation

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

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

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

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

### Discipline

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

Legal Reference:

EDUCATION CODE

[200-262.4](#) Prohibition of discrimination  
[32282](#) Comprehensive safety plan  
[35181](#) Governing board policy on responsibilities of students  
[35291-35291.5](#) Rules  
[48900-48925](#) Suspension or expulsion  
[48985](#) Translation of notices

#### PENAL CODE

[647](#) Use of camera or other instrument to invade person's privacy; misdemeanor  
[647.7](#) Use of camera or other instrument to invade person's privacy; punishment  
[653.2](#) Electronic communication devices, threats to safety

#### UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

#### COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094  
Lavine v. Blaine School District, (2002) 279 F.3d 719

#### Management Resources:

##### CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011  
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010  
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

##### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008  
Bullying at School, 2003

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

Dear Colleague Letter: Harassment and Bullying, October 2010

#### WEB SITES

CSBA: <http://www.csba.org>  
California Cybersafety for Children: <http://www.cybersafety.ca.gov>  
California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>  
Center for Safe and Responsible Internet Use: <http://cyberbully.org>  
National School Boards Association: <http://www.nsba.org>  
National School Safety Center: <http://www.schoolsafety.us>  
U.S. Department of Education, Office for

Board Approved: 9/20/2012



## PROCEDURES FOR ADDRESSING DISCRIMINATION, HARASSMENT, INTIMIDATION and BULLYING

Discrimination, harassment, intimidation, and bullying are prohibited on our campuses, during the after school/extended care program, at school field trips, sports and school sponsored events, and when students are traveling to and from school. It applies to all students, teachers, staff, specialists, and anyone who works on our campus, whether employed by the school, working as contractors, or volunteers. It extends to all acts related to school activity or school attendance occurring within our school under the jurisdiction of our superintendent.

### Definitions

**Bullying and intimidation** occur when a student, or group of students, try to frighten, hurt, humiliate or exclude another student.

- **Physical bullying** is when a student uses physical force to hurt another student by hitting, pushing, shoving, kicking, taking a student's belongings or stealing their money.
- **Verbal bullying** is when a student uses words or gestures to intimidate or humiliate another student by taunting, name-calling, teasing, put-downs, insults, graffiti, threats and blackmail.
- **Relational bullying** is when a student excludes or isolates another student through leaving them out, gossiping, or spreading rumors.
- **Cyberbullying** is when a student uses their cell-phone, text messages, e-mails, instant messaging, chats and social networking sites (such as Facebook or Instagram) to bully or intimidate another student in any of the ways described above.

Bullying and intimidation may at times amount to **discrimination or harassment**. It is discrimination or harassment to target a student because of their actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or because they are associating with a student or group of students with one or more of these actual or perceived characteristics.

It is sexual harassment to target a student with unwanted sexual comments, touching, and/or gestures that cause the student to feel uncomfortable or unsafe at school, or interferes with schoolwork.

Our school does not tolerate discrimination or harassment for any reason. You are breaking the law if you harass anyone from our school community.

## **Expectations for Student Conduct**

Our school is a community where everyone is included. All students need to show respect for each other.

- Be kind and respectful to everyone on this campus. Never threaten or bully another student or be a bully-follower.
- Be an ally to the student that is being targeted when discrimination, harassment, intimidation, or bullying is seen. Ask the other student to stop or immediately find an adult on campus if the behavior continues.
- Incidences of bullying and harassment often need adult intervention to stop. Tell a teacher, staff member or administrator when targeted. Or tell your parents and ask them to contact the school.
- Never take revenge or ask someone to threaten or hurt a student that has reported intimidation, harassment, discrimination or bullying.
- If threatened or disrespected after reporting an issue, or if the problem behavior continues or restarts later, inform the school Principal.

## **Expectations from Adults on this Campus**

- All teachers, staff and volunteers support a campus-wide system for preventing and stopping discrimination, harassment, intimidation, and bullying.
- The Lagunitas School District uses a variety of methods to prevent and end discrimination, harassment, intimidation, and bullying. We may use *No Bully Solution Teams*®, progressive discipline with increased consequences if behavior continues, and suspension or expulsion when deemed appropriate as a response to discrimination, harassment, intimidation, and bullying.
- If any adult on campus witnesses an act of discrimination, harassment, intimidation, or bullying, he or she shall take immediate steps to intervene when safe to do so and shall notify the classroom teacher as soon as possible.
- Contact the classroom teacher immediately when a parent knows or suspects that their child is being intimidated, harassed or bullied.
- If a Solution Team approach is used, we have a trained staff team who serve as our school's Solution Coaches.
- If progressive discipline, suspension, or expulsion is used, administration will meet with the target, the bully, and involve their parents and teachers when determining consequences to change behavior and to provide a safe educational experience for all students.

## **Solution Team Process**

School Solution Coaches have been trained by *No Bully* how to bring together teams of students, including those acting as bullies, bystanders, and positive role models, without using punishment to help solve the bullying. For school year 2012 – 2013 our Solution Coaches® are: Laura Shain, Principal; and Anneli Richards, Counselor.

## **Response to Student Harassment and Bullying**

**Step 1 – Prevent & Interrupt.**

**Step 2 – Refer to an Administrator.**

**Step 3 – Convene a Solution Team, Progressive Discipline, or other appropriate response.**

**Step 4 – Implement an Empathy-Building Action Plan** if a pattern of harassment or prejudice is apparent across the entire class or program.

### **Timeline for Complaints Under this Policy**

#### **Week One**

- Student, teacher or parent notifies school administration of harassment or bullying.
- Teacher, administrator, or counselor checks in with suspected target.
- Parents of target and bully informed on day students meet with administrator.
- When appropriate, Solution Team process begins or school may engage progressive discipline process or issue other consequences.

#### **Week Two**

- Administrator, teacher, or counselor checks in with target and bully.
- Second meeting of Solution Team if this has been initiated.
- Further progressive discipline or consequence response issued when necessary.

#### **Week Three**

- Administrator, teacher, or counselor checks in with target.
- Third meeting of Solution Team if this has been initiated.
- Target invited to attend Solution Team and parents notified of outcome.

If the school's intervention does not resolve the bullying, the student or their parent/guardian should inform the Principal. If the student or parent/guardian disagrees with how the school has responded to their complaint of discrimination, harassment, intimidation, or bullying, he or she may appeal in writing to the school district Superintendent, Larry Enos at [lenos@marin.k12.ca.us](mailto:lenos@marin.k12.ca.us).

### **Person Responsible for Implementation of this Policy**

The Lagunitas School District Superintendent is the responsible local educational agency officer for ensuring school district compliance with the requirements of this policy and the requirements of Chapter 5.3 (commencing with Section 4900) of Division 1 of Title 5 of the California Code of Regulations and Chapter 2 (commencing with Section 200).

Board Approved: 9/20/2012

# **Lagunitas School District San Geronimo, California**

## BOARD POLICY 5020 - CRITERIA FOR RESIDENCY

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

1. The student's parent/guardian resides within District boundaries. (Education Code 48200). If parents are divorced or live in separate homes, the custody provisions for the student(s) must be provided.

Note that the Welfare and Institutions Code 17.1(b) provides that the residence of the child is determined by the residence of the person who has been given custody by the court.

"Custody" means the legal right to have custody of the child. If custody is held jointly by two or more persons, "custody" means the physical custody of the child. For purposes of residency for parental joint custody, whichever parent has the student for the greatest percentage of time during the school year will determine residency. In the case of 50/50 joint physical custody, the family may decide in which school district to enroll the student.

2. The student is placed within District boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204).
3. The student has been admitted through the District's Interdistrict attendance program. (Education Code 48204, 48356)
4. The student lives with a caregiving adult within District boundaries. (Education Code 48204)

### Proof of Residency

A student shall be deemed to have complied with residency requirements if he/she provides evidence considered sufficient by the Superintendent or designee that he/she meets any of the following criteria:

1. The student and his/her parent/legal guardian reside within District boundaries.
2. The student is placed within District boundaries in a regularly established, licensed children's institution, or
3. The student has been admitted through the District's Interdistrict attendance program.



4. The student resides in the home of an approved caregiver adult living within District boundaries.

The District must be notified of changes in residency within 72 hours of the change.

To notify the District of a residency change, proof of the new residence must be brought to the District office. That proof includes the same documents required for admission to the District schools.

Prior to admission into District schools, students shall provide proof of residency. A student can have only one residence for purposes of establishing residency. The Superintendent or designee shall annually verify the student's residency and retain a copy of the document(s) offered as verification. Reasonable evidence of residency may be established by documentation including, but not limited to, one form of documentation from each of the following groups:

Group A:

- Valid California Driver's License
- Valid California Photo Identification Card
- Valid Passport
- Government-Issued Photo Identification Card

Group B:

Current Rental/Lease Agreement (with the following: Parent/Guardian name, student's name(s), name of owner or manager and telephone number - sub leases will not be accepted) and a copy of most recent rent payment. Individual lessors are required to submit a notarized affidavit detailing the lease agreement.

- Current Property Tax Bill

- Current Homeowner or Renter's Insurance Policy

Group C:

Complete statement of a Utility Bill dated within the last 60 days. If you do not have a Utility statement in your name because you live with another individual, you are required to submit a notarized affidavit.

Note: Students on an approved interdistrict permit must annually verify the residency requirement as stated above. A change of address from the time when an interdistrict permit was first approved (from one district to another) will require a new interdistrict transfer application and will be subject to the restrictions of the interdistrict transfer permit into the Lagunitas Elementary School District. Because interdistrict transfers

must be approved by each school district involved, a new request must be submitted for approval.

The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the District, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.

However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in District schools. (Education Code 48853.5; 42 USC 11432)

### Failure to Verify Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets District residency requirements. (Education Code 48204.1)

If the Superintendent or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false or unreliable evidence of residency, he/she shall deny or revoke the student's enrollment. Before any such denial or revocation is final, the parent/guardian shall be sent written notice of the decision. This notice also shall inform the parent/guardian that he/she may provide new material evidence of residency, in writing, to the Superintendent or designee within 10 school days. The Superintendent or designee shall review any new evidence and make a final decision within 10 school days.

### Safe at Home/Confidential Address Program

When a student or parent/guardian participating in the Safe at Home program requests that the District use the substitute address designated by the Secretary of State, the Superintendent or designee shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. The Superintendent or designee may request the actual residence address for the purpose of establishing residency within District boundaries. (Government Code 6206, 6207)

Legal Reference:

### EDUCATION CODE

35351 Assignment of students to particular schools  
46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law

48356 Open Enrollment Act transfer, fulfillment of residency requirement

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

#### FAMILY CODE

6550-6552 Caregivers

#### GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

#### CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

#### UNITED STATES CODE, TITLE 42

#### CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

#### WEB SITES

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

California Secretary of State, Safe at Home Program: <http://www.sos.ca.gov/safeathome>

Office for Civil Rights, U.S. Department of Education: <http://www2.ed.gov/about/offices/list/ocr>

BOARD ADOPTION – November 21, 2013

# **Lagunitas School District**

## **San Geronimo, California**

### **BOARD POLICY 5021 – Absences and Excuses**

BP 5021

#### **Students**

The Governing Board believes that regular attendance plays an important role in student achievement. The Board shall work with parents/guardians and students to ensure their compliance with all state attendance laws, and may use appropriate legal means to correct problems of chronic absence or truancy.

#### **Excused Absences**

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as permitted by law, Board policy, and administrative regulations. (Education Code 48205)

Inasmuch as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during nonschool hours.

At the beginning of each school year, the Superintendent or designee shall send a notification to the parents/guardians of all students, and to all students in grades 7-8, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)

Students shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulations. (Education Code 46014)

#### **Effect of Absence on Grades/Credits**

If a student's absence is excused under Education Code 48205, he/she shall be allowed to complete any missed assignment or test that can be reasonably given, as determined by the teacher of that class. The student shall be given full credit for the assignment or test if he/she satisfactorily completes the assignment or test within a reasonable period of time. (Education Code 48205)

A student's grades may be affected by excessive unexcused absences in accordance with Board policy.

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

(cf. 6154 - Homework/Makeup Work)

Legal Reference:

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

2550-2558.6 Computation of revenue limits

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

42238-42250.1 Apportionments

46000 Records (attendance)

46010-46014 Absences

46100-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48208 Children ages 6-18 (compulsory full-time attendance)

48210-48216 Exclusions from attendance

48240-48246 Supervisors of attendance

48260-48273 Truants

48292 Filing complaint against parent

48320-48324 School attendance review boards

48340-48341 Improvement of student attendance

49067 Unexcused absences as cause of failing grade

49701 Provisions of the interstate compact on educational opportunities for military children

ELECTIONS CODE

12302 Student participation on precinct boards

FAMILY CODE

6920-6929 Consent by minor

VEHICLE CODE

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 168 (2004)

66 Ops.Cal.Atty.Gen. 244 (1983)

COURT DECISIONS

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

BOARD APPROVAL - MAY 21, 2014

# **Lagunitas School District San Geronimo, California**

## **BOARD POLICY 5021 – Absences and Excuses**

### **Administrative Regulation**

#### **Absences And Excuses**

AR 5021

#### **Students**

#### Excused Absences

A student's absence shall be excused for the following reasons:

1. Personal illness (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)
3. Medical, dental, optometrical, or chiropractic appointment (Education Code 48205)
4. Attendance at funeral services for a member of the immediate family, which shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state (Education Code 48205)

Immediate family shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister, or any relative living in the student's immediate household. (Education Code 45194, 48205)

5. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
  - a. Appearance in court
  - b. Attendance at a funeral service
  - c. Observation of a holiday or ceremony of his/her religion
  - d. Attendance at religious retreats not to exceed four hours per semester
6. 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 zone or a combat support position or is on leave from or has immediately returned from such deployment (Education Code 48205)

7. Participation in religious exercises or to receive moral and religious instruction in accordance with district policy (Education Code 46014)
  - a. In such instances, the student shall attend at least the minimum school day.
  - b. The student shall be excused for this purpose on no more than four days per school month.

#### 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. (Education Code 46012; 5 CCR 306)

The following methods may be used to verify student absences:

1. Written note, fax, email, or voice mail 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 student
  - b. Name of parent/guardian or parent representative
  - c. Name of 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 14 absences in the school year for illness verified by methods listed in #1-3 above, any further absences for illness shall be verified by a physician.

BOARD APPROVAL - MAY 21, 2014

# **LAGUNITAS SCHOOL DISTRICT**

## **Board Policy**

### **BP 5022 STUDENTS - Food Allergies/Special Dietary Needs**

#### Definitions

Special dietary needs include food intolerances, allergies, and other medical needs that may require avoidance of specific foods.

Food allergies are abnormal responses of the body's immune system to certain foods or ingredients.

Anaphylaxis is a potentially life-threatening hypersensitivity to a substance and may be caused by a food allergy. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

Epinephrine auto-injector is a disposable drug delivery system with a spring-activated needle that is designed for emergency administration of epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal reaction to anaphylaxis. (Education Code 49414)

#### Notification by Parent/Guardian

The parents/guardians of any student who has a known food allergy or other special dietary need shall notify the Superintendent or designee, in writing, and provide written medical documentation, signed by the student's health care provider, that describes the nature of the student's condition, instructions, and necessary medications. If the student's condition requires food substitutions or modifications in school meals, the written statement shall also describe the specific foods to be restricted and the foods that should be substituted.

#### Prevention Strategies

To minimize students' exposure to foods to which they are allergic, the Superintendent or designee shall, at a minimum, implement the following preventive measures:

1. Notification to District Staff

When notified by the parent/guardian that a student has a food allergy, the Superintendent or designee shall inform the student's principal, teacher(s), bus driver, school nurse, coach, and/or any other personnel responsible for supervising the student.

The principal or designee shall notify substitute staff of the identity of any students with known food allergies and the school's response plan.

(cf. 5125 - Student Records)



2. Food Services

The district's food services staff shall check food labels or specifications to ensure that foods do not contain traces of substances to which the student is allergic.

Under no circumstances shall food services staff prescribe nutritional requirements or revise a diet order prescribed by a health care provider.

Food substitutions shall not result in any additional cost to the student.

3. Class Parties/School Activities/Field Trips

Without identifying the student, the principal or teacher may notify parents/guardians of other students in the class that a student is allergic to a specific food and may request that certain foods not be provided at class parties or other school events.

Whenever the ingredients in any food served at class parties or other school activities are unknown, the student shall be encouraged to avoid the food.

Food products containing peanuts or tree nuts intended to share or sell cannot be brought to any extra-curricular activity or fundraiser.

4. Sanitation and Cleaning

To avoid spreading allergens, cafeteria tables and classroom and gymnasium surfaces shall be cleaned with fresh cloth or disposable paper towels utilizing cleaning products known to effectively remove food proteins. Cross-contact from a sponge or cloth used to clean allergen-containing tabletops shall be avoided.

Staff shall use and promote hand-washing using soap and water before and after food handling.

Students shall be notified that exchanging meals or utensils is prohibited.

5. Professional Development

School-wide professional development shall be provided to appropriate staff on the identification and management of food allergies, including avoidance measures, typical symptoms, the proper use of epinephrine auto-injectors, documentation and storage of medication, and emergency drills.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

6. Supervision of Students

When available, staff who are trained and knowledgeable about symptoms of anaphylaxis and actions to take in an emergency shall provide supervision in the classroom and cafeteria, on the playground, and on field trips or other school activities whenever students known to have a food allergy are present.

(cf. 6153 - School-Sponsored Trips)

7. Health Education

The district's health education curriculum may include instruction on food allergies in order to assist food-allergic students in taking responsibility for monitoring their diet and to teach other students about the dangers of sharing foods or utensils with others.

(cf. 6142.8 - Comprehensive Health Education)

Emergency Response

Epinephrine auto-injectors or other medicine provided for use in the event of an anaphylactic shock reaction shall be stored and used in accordance with law and BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions.

In addition, staff shall call 911 and seek immediate medical attention for a student experiencing an anaphylactic shock reaction.

As soon as possible, school staff shall contact the student's parents/guardians or other person identified as an emergency contact.

When a student with a known allergy will be off school grounds, such as on a field trip, he/she shall be accompanied by a kit containing at least two doses of epinephrine, other medications as noted by the student's health care provider and, as appropriate, the student's individualized food allergy plan.

Board Approval June 25, 2015