

***Tracy Unified School District  
Elementary/Middle School  
Handbook***



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*Learning*

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# *Academics*

## *Learning*

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### **Academic Standards (BP 6011)**

The Governing Board of the Tracy Unified School District recognizes that district-wide desired learnings, benchmarks and performance standards are necessary to clarify for students, parents/guardians and staff what students are expected to know and be able to do at each grade level and in each area of study. The Board shall adopt high standards in student achievement that challenge all students to reach their full potential and ensure consistency of expectations among the district's schools and classrooms.

District standards shall be developed through a process that involves staff, students, parents/guardians and community members. Standards shall be based on an assessment of the skills that students will need in order to be successful in higher education and the workplace, including basic skills, problem-solving abilities and conceptual thinking. Special care shall be taken to ensure the proper articulation of standards among district schools.

District standards shall guide Board and staff decisions regarding the curriculum to be adopted, the sequential courses of study to be offered, and the assessments to be given. Staff shall continually assess students' progress toward meeting the standards and shall offer remedial assistance as needed. The standards shall also provide a basis for evaluating the instructional program and, as required by law, for evaluating teacher performance.

While desiring district standards to be specific and comprehensive, the Board does not intend that these standards be so extensive as to describe everything that will be taught in the classroom. Staff shall have sufficient time and flexibility to determine the best instructional methods to use in preparing students to meet the standards. The Superintendent or designee shall ensure that district standards are regularly reviewed and updated as necessary in order to reflect changes in skills that will be needed by students and to ensure continuing support for the standards.

### **Aeries Parent Portal Information**

The Aeries Parent Portal is a system by which parents can keep track of their student's grades and attendance at school. To sign up, parents need the following items: an email account, your student's name, home phone number, permanent ID number, and VPC (verification pass code). If a parent has not previously signed up, they can come to the school site administrative offices and see their child's counselor or the receptionist, show identification and receive the VPC number assigned to their student, then log on to <https://sisweb.tusd.net/ParentPortal> and sign up for access to the information system.

[Add data confirmation information \(sent email to Leigh Ann/Tom\)](#)

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**Academic Honesty**

All work submitted by students should be a true reflection of their effort and ability. If it is not, then the student has demonstrated unacceptable behavior. The following instances are considered cheating:

- Claiming credit for work that is not the product of one’s own honest effort.
- Providing unwarranted access to materials or information so that others may dishonestly claim credit.
- Submitting work done entirely or in part by another person.
- Giving test answers to another student or getting test answers from another student.
- Representation of another person’s words or ideas as your own by not properly citing the source and giving the author credit.
- Copying from the internet ~~and from another student.~~
- Knowledge and tolerating of the foregoing circumstances.

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**Promotion/Retention (BP 5123)**

**The Governing Board desires to see students’ progress with their peers through the school system’s grade levels. To accomplish this, instruction will accommodate the varying interests and growth patterns of individual children and include strategies for addressing academic deficiencies.**

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**Students will normally progress annually from grade to grade, or level to level. Exceptions may be made when, in the judgment of the certificated staff, such exceptions are in the best interest of the students involved. Exceptions will always be made after prior notification and explanation to each student’s parents or guardian, but the final decision shall be rest with the school authorities.**

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Promotion

Students shall progress through the school system’s grade levels by demonstrating growth and meeting grade-level standards of expected student achievement.

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Sixth and Seventh Grade Earned Promotion

1. Middle school students who have been retained in the 6th or 7th grades may be considered for an earned promotion at the beginning of the third quarter of their retained year if they maintain at least a 3.0 GPA, with no F's each quarter during both the first and second quarters.

- 2. Those students who are able to maintain a 3.0 GPA over two quarters will earn a promotion to the next grade for the second semester. This will negate the retention at middle school.
- 3. Students who have been retained in the 8th grade are not eligible for an earned promotion to high school.

Retention

As early as possible in the school year and in the student’s school career, certificated staff shall identify students who should be retained and who are at risk of being retained in accordance with law, board policy, administrative regulation, and established district criteria.

The district has established district promotional standards for promotion and retention in grades 8-9. Students may be retained at other grade levels by using the district prescribed processes. A student who accumulates more than four (4) “F” grades in one academic year will be considered for retention in grades 6, 7 and 8.

**When a student is recommended for retention or is identified as being at risk for retention, the student will be provided opportunities for remedial instruction.** During the school year, the student may attend after school remediation classes to meet district promotional standards. **Students may also attend summer school to meet district promotional standards.** ~~Students may be assigned additional periods.~~ Attendance standards and satisfactory coursework must be maintained to receive credits.

Before promoting a student due to special considerations, students, parents, and staff shall make every effort for the student to have no more than four (4) failing grades in an academic year and meet the district promotional standards.

A student study team will review retentions and promotions from grades 6 to 7 and 7 to 8. The student’s parent/guardian shall be invited to participate on the student study team.

~~Appeals will be forwarded to the principal whose decision will be final.~~

When an appealing party has a disagreement on promotion or retention of students in grade 8, after following prescribed procedures, the principal will refer the matter to the District Placement Appeal Team. The District Placement Appeal Team’s decision shall be final.

~~Parent’s Guide to Homework~~ **Homework/Make-Up Work (BP 6154)**

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The Governing Board believes that homework serves many purposes. Research supports that homework is an essential part of a student’s academic achievement. Through their homework, students can reinforce academic skills taught in school, learn how to conduct research effectively, develop ideas creatively and become life-long learners.

The Board believes that homework is the responsibility of the student. It is the student’s job to develop regular study habits and to do most assignments independently. The Board encourages teachers at all grade levels to use the parent as a contributing resource and to structure homework assignments so as to involve the parent to help oversee homework without diminishing the student’s sense of responsibility. To be effective, homework assignments should not place an undue burden on students and families. Homework should reinforce learning objectives and state standards.

Board Policy 6154

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Homework reinforces student learning to meet state and district standards.

- Homework is planned, systematic, selectively checked and graded.
- Homework is clear, specific and relevant.
- Homework is a combination of skill reinforcement and exploration.
- Long-term homework assignments will have checkpoints for completion and while students may work on them over holidays and weekends, ample time will be allowed to complete them during the week and prior to holidays.
- Homework will be reviewed in class and returned in a timely fashion.
- K-5 students will not be required to complete homework on holidays and intercessions. K-5 students will not typically be given homework on weekends. 6-8 students will not be required to complete homework on intercessions. 6-8 students may be given limited homework on holidays and weekends.
- Unfinished classroom work may be sent home to be completed but should not be required in addition to homework. Unfinished classroom work can be done at recess and after school.
- Regular reading at home on a nightly basis is encouraged but not required in addition to the assigned homework.

Homework Tips for Parents

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- When there is a specific assignment, the best way for parents to help a child learn is by offering support when it is requested. At the same time, limits need to be set so that children learn to work independently. Even when children do not have specific assignments due,



parents can be helpful by listening when children talk about school and by expressing interest in class work and school activities.

- Talk with teachers if assignments seem to be causing students continuing problems.
- Share thoughts and ideas with children on many topics of interest.
- Read to your child.
- In helping students with homework, parents should:
  - Show interest in the student's work.
  - Encourage the child to work independently most of the time.
  - Provide a suitable place for study, free from distraction, and if possible, reserved for that student alone.
  - Check to see the homework assignments are completed, and reasonably neat and correct.
  - Assist in balancing school work with other activities.

If you feel that your student's teacher is not following Board Policy 6154: Homework, please take the following steps: 1) Contact your student's teacher and discuss his/her homework practices, if it is not resolved then; 2) Contact your school principal, if it is not resolved, then 3) Rob Pecot, Director of Curriculum, Accountability & Continuous Improvement at 830-328075.

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### Make-up Work

- Students shall be given the opportunity to make-up work missed because of an excused absence and shall receive full credit if the work is turned in according to a reasonable make-up schedule. Typically, each day of excused absence merits a make-up day.
- Teachers may or may not allow a suspended student to complete any assignments and tests missed during suspension.
- Students who miss school work because of unexcused absences may or may not be given the opportunity to make-up missed work for full or reduced credit. Teachers may assign such make-up work as necessary to ensure academic progress, not as a punitive measure.
- Teachers need at least twenty-four hours to supply make-up work.
- Teacher's procedures and processes for make-up work should be clearly explained to both students and parents in the individual class syllabus.

### Scholastic Eligibility for Extra and Co-Curricular Activities

All incoming 6<sup>th</sup> graders are academically eligible to participate in extra/co-curricular activities. At the end of the first grading period, 6<sup>th</sup> graders must have earned a "C" average (2.0 on a 4-point scale) and have no course failures.

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Participation in extra-curricular activities is a privilege. It is presumed that students who are representing their school in various activities are maximizing the educational opportunities that are available to them. Students who intend to participate in extra-co-curricular activities such as, but not limited to, sports teams, student governments, class office and yearbook staff, will be held to the Scholastic Eligibility standards. This includes maintaining a 2.0 GPA and no F's.

Assessments ~~(new)~~

The Governing Board believes that the primary purpose of assessment is help students, parents/guardians and teachers identify individual students' academic strengths, weaknesses and progress in order to inform instructional practices to increase learning. Assessment should also be an important component of the district's program evaluation process.

The Governing Board recognizes that a variety of evaluation measures are needed in order to reach the above goals. To have validity, tests must correspond to the material being taught and measure the extent to which students meet clearly specified standards of achievement.

In addition to teacher created assessments, the District administers mandatory student assessments as provided by the State Board of Education. These assessments include:

California Assessment of Student Performance and Progress (CAASPP)

The California Assessment of Student Performance and Progress (CAASPP) System was established in 2014. The CAASPP System includes the Smarter Balanced Summative Assessments (SBAC) for English language arts and mathematics in grades three to eight and grade eleven, the California Alternate Assessment (CAAs) in ELA and math for students with significant cognitive disabilities, and the California Science Tests (CAST) and CAA for Science for grades five, eight and once in high school.

The English Language Proficiency Assessments for California (ELPAC)

The ELPAC is the required state test for English language proficiency (ELP) that must be given to students whose primary language is a language other than English. State and federal law require that local educational agencies administer a state test of ELP to eligible students in kindergarten through grade twelve. The California Department of Education (CDE) transitioned from the California English Language Development Test (CELDT) to the ELPAC as the state ELP assessment in 2018.

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**Physical Fitness Test (PFT)**

The PFT is administered to students in grades five, seven and nine. The goal of the test is to help students in starting life-long habits of regular physical fitness.

For more information on these assessments, visit the California Department of Education website at: <https://www.cde.ca.gov/ta/tg/ca/> ELPAC <https://www.cde.ca.gov/ta/tg/ep/> PFT <http://www.cde.ca.gov/ta/tg/pf>

The California Department of Education has a parent page that can be used to search for assessment data about schools and districts at <http://dq.cde.ca.gov/dataquest/DQP.asp>

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# *Attendance*

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### Attendance Procedures

Students should not be dropped off any earlier than 5 minutes prior to the opening of the school breakfast program. Students should be picked up from school no later than 15 minutes after the dismissal bell. Inter/Intra-district transfers may be revoked due to violations of these times. Students who are not participating in approved after-school extra-curricular or athletic programs must leave the campus within 15 minutes of dismissal. Continuous violation of this policy may result in the student being transported to Tracy Police Department for supervision and parent notification.

### Absence Procedures

Please call or e-mail the school on the date of the absence. If unable to do so, students should bring a note to school to clear the absence when they first return to school. It is the student and parent/guardian's responsibility to verify an absence, and they must do so within 48 hours upon returning to school. An auto dialer will notify parents/guardian when a student is absent from school for a portion of the day.

1. Parents are responsible for notifying the school whenever their student is absent. Parents may call the attendance office and/or send a note with the student upon his/her return to school. All notes must contain the following information:
  - Name of student
  - Date(s) of absence
  - Specific reason for absence
  - Daytime phone number where a parent may be reached
  - Parent's signature
2. To clear an absence, a student must bring a note from a parent or doctor, or the student's parent may call the attendance office. Students have only 48 hours upon their return to school in order to clear an absence. NOTE: Students are not permitted to use office telephones to clear an absence. If the absence is not cleared within 48 hours, the absence becomes a truant.
3. A student returning to school without a call or a note from a parent or a note from a doctor will be considered truant. If a student does not bring in a note when first returning to school, but does bring in a note within 48 hours, he/she must take the note to the Office.

**Excused Absences (BP/AR 5113)**

The teacher will allow a student to make up work during an excused absence. Students will have the same number of days that they were absent from school to make up their work. Excused absences will be granted for the following reasons:

- 1. Personal illness; a doctor’s note is required if over 10 days.
- 2. Medical, dental, optometrist or chiropractic services. Students are strongly encouraged to schedule appointments during non-school hours.
- 3. Attending funeral services of an immediate family member. (Grandparents, parents, sibling)
- 4. Exclusion for not having been properly immunized; these absences will not be excused for more than 5 days.
- 5. Approved travel study.
- 6. Religious instruction (AR 5113)
  - Participation in religious exercises or to receive moral and religious instruction in accordance with district policy (Education Code 46014)
  - In such instances, the student shall attend at least the minimum school day.
  - The student shall be excused for this purpose on no more than four days per school month.
- 7. Any pupil who is a dependent of military personnel shall be granted up to 5 days of excused absence or independent study when the parent is either deployed or returning from a deployment.

**Excessive Absences for Illness**

**When a student has had 10 absences in the school year for illness, any further absences for illness shall be verified by a physician. This requirement will be enforced for up to one calendar year. (AR 5113)**

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**Unexcused Absences (BP/AR 5113)**

Students may be allowed to make up work missed if an absence is unexcused. Teachers’ procedures and process for make-up work should be clearly explained to both students and parents in the individual class syllabus. Listed below are the most common reasons given for absences that will be considered unexcused:

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- a. Family vacations and extended weekend trips.
- b. Oversleeping
- c. Ditching
- d. Car trouble

- e. Any absence considered excused which is not cleared by a parental or doctor's note within 48 hours of returning to school.

This list is not all-inclusive. If you have specific questions regarding unexcused absences, please contact the Attendance Secretary your child's school.

#### **Tardy Policy for Unexcused Classroom Tardies**

Students are tardy to class if they are not in their seat and quiet when the final bell rings.

Arrival to class more than 30 minutes after the bell will constitute a truant.

**The State of California and the Tracy Unified School District expect children to be in school unless they are ill. Tardy students disrupt the learning of an entire classroom. Students, who are excessively absent or tardy, will be referred to the School Attendance Review Board (SARB).**

**The tardy consequences start at zero at the beginning of each grading period. Aeries keeps record of all tardies and absences for the school year.**

Grades 1-3 Tardy Consequences	
Tardies 1-4	Teacher determination which can include; teacher detention, natural consequences/grade impact, conference, and other options as approved by site administration. Parent notification by teacher.
Tardies 5-9	Teacher Referral to Administration. Parent <del>Conference contact with</del> from Administration.
Tardy 10+	Teacher Referral to Administration. Parent <del>Conference with contact</del> from Administration for Attendance Contract.

Grades 4-8 Tardy Consequences	
Tardies 1-4	Teacher determination which can include; teacher detention, natural consequences/grade impact, conference, and other options as approved by site administration. Parent notification by teacher.
Tardy 5	Teacher Referral to Administration. Parent <del>Conference contact with</del> from Administration.
Tardies 6-9	Teacher Referral to Administration. Administrative detention.
Tardy 10	Teacher Referral to Administration. Parent Conference with Administration for Attendance Contract.
Tardies 11+	Teacher Referral to Administration. Administrator discretion.

**Obtaining Parent Access to Attendance Information**

Parents who have concerns regarding a student’s attendance habits may request an attendance printout from the attendance office, check ABI Parent Portal, and/or request a conference with an assistant principal.

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~~Excessive Absences: When a student has had 10 absences in the school year for illness, any further absences for illness shall be verified by a physician. This requirement will be enforced for up to one calendar year. (AR 5113).~~

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**Travel Study**

Travel Study is a program available to students who must leave school for 5 or more days. This program provides students with the opportunity to maintain their grades and credits in their classes. Students who fit the above criteria and who wish to utilize the Travel Study program should contact the Attendance Office more than 5 school days prior to leaving school to obtain and complete the appropriate forms. The program requires a study contract approved by the Principal or his/her designee. The Principal’s signature is required PRIOR to beginning Travel Study. Students not completing travel study forms and receiving approval in advance will not receive credit and will be considered unexcused. Upon returning to school, the homework should be attached to the travel study sheets and turned in immediately to the teachers to grade. When the work is graded, a bottom portion of the form is forwarded to Attendance and the absences are excused.

~~Student must return to school on the contracted return date and submit work to your teacher. If you do not return to school on your contracted return date, the entire contract will be void, your absences will be considered unexcused and the absences will count towards truancy limits.~~

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**Truancy**

A student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is considered a truant and shall be reported to the attendance supervisor or to the Superintendent of the school district. See Disciplinary Violations and Consequences, Miscellaneous School Rules, Section R.IS THIS STILL CURRENT? WHERE IS IT? (Education Code 48260)



School Attendance Review Team (SART)

A School Attendance Review Team may be convened after a student has been declared truant. During this meeting a plan may be developed to correct a student’s attendance.

A student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian after either of the two previous reports is considered a **habitual truant**. (Education Code 48262, 48264.5)

A habitual truant will be referred to the School Attendance Review Board (SARB.)

~~SARB Overview~~

Pre-SARB Process

Number of Unexcused Absences	Consequence
3 days/24 periods of unexcused absences	<u>Initial First Pre-SARB-Truancy</u> Letter sent home
6 days/48 periods of unexcused absences	Second <del>Pre-SARB-Truancy</del> <u>Truancy</u> -letter. Parent meets with the site administrator
9 days/66 periods of unexcused absences	Third <del>Pre-SARB-Truancy</del> -letter. Parents meet with the site administrator <u>and referral to SARB</u>

SARB

School Attendance Review Board (SARB) is a panel comprised of teachers, administrators, counselors, law enforcement officials, and community representatives that utilize school/community services to help students resolve problems dealing with irregular school attendance or habitual truancy. SARB is a strategy that utilizes school and community resources to help students improve their attendance and deal with barriers to school attendance. At the SARB hearing, the panel will decide which interventions they would like to implement in order to help resolve the students' attendance issues. The School Attendance Review Board also has the authority to refer habitually truant students, as well as their parents, to the District Attorney for appropriate legal action.

**A student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the district has met the requirements above, is considered a chronic truant.**

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(Education Code 48263.6) A chronic truant may be referred to the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

Legal Reference

1. Education Code 48260. Any pupil subject to compulsory continuation education who is absent from school without valid excuse more than three (3) days or tardy in excess of 30 minutes on each or more than three (3) days in one school year is a truant and shall be reported to the attendance supervisor or to the Superintendent of the school district. See Disciplinary Violations and Consequences, Miscellaneous School Rules, Section R.
2. Education Code 48261. Any pupil who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one (1) or more days, shall again be reported as a truant to the attendance supervisor or the Superintendent of the District.
3. Education Code 48262. Any pupil who is deemed a habitual truant who has been reported as a truant three (3) or more times per school year, provided that no pupil shall be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent/ guardian of the pupil and the pupil himself, after the filing of either of the reports required by Section 48260 or Section 48261.
4. Education Code 48263. If any minor pupil in any district of a county is an habitual truant, or is irregular in attendance, as defined in this article, or is referred to a school attendance review board, the supervisor of attendance, or such other persons as the governing board of the school district or county may designate, making such referral shall notify the minor and parents/guardians of the minor, in writing, of the name and address of the board to which the matter has been referred and of the reason for such referral. The notice shall indicate that the pupil and parents/guardians of the pupil will be required, along with the referring person, to meet with the school attendance review board to consider a proper disposition of the referral.
5. Education Code 48263.6. Any pupil subject to compulsory full time education or to compulsory continuation education who is absent from school without a valid

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excuse for 10 percent or more of the schooldays in one school year, from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate school district officer or employee has complied with Sections 48260, 48260.5, 48261, 48262, 48263, and 48291.

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***Behavior Expectations,  
Interventions & Discipline***

**Discipline Philosophy**

It is important that each individual develop sound social judgment and be allowed frequent opportunities to exercise this judgment and the self-discipline which must accompany it. Students and teachers are entitled to an environment in which maximum learning and teaching can take place. In order to guide students to become responsible, self-disciplined individuals who are free to pursue academic studies, an appropriate amount of external discipline might be necessary.

All societies have rules. All students are expected to obey all classroom and school rules. Our aim is to improve the learning environment through positive reinforcement of good behavior and consistently applied consequences for inappropriate behavior. With the cooperation of parents, parent volunteers, students, and school personnel, we can maintain schools where teachers teach and children learn.

**FOR MORE EFFECTIVE COMMUNICATION...**

**WHEN YOU HAVE A QUESTION OR CONCERN REGARDING YOUR CHILD,**

**PLEASE...**

1. Discuss matters with your child's .....  
... if question or concerns remain,

2. Discuss matters with your child's .....  
... if question or concerns remain,

3. Discuss matters with the.....  
...then, if you wish,

4. Discuss matters with the.....  
SERVICES  
...and then, if you wish,

5. Request to discuss with.....

TEACHER(S)

ASSISTANT PRINCIPAL

PRINCIPAL

DIRECTOR OF STUDENT

THE SUPERINTENDENT

## **BEHAVIOR EXPECTATIONS/RIGHTS & RESPONSIBILITIES**

### **Each Student Has a Right to . . .**

- Be taught the required curriculum in a professional manner.
- Have a positive learning environment maintained in the classroom.
- Be treated respectfully.
- Attend school without harassment by other students.
- Discuss grades, assignments, and discipline with the teacher in private, provided such a discussion is conducted with courtesy and consideration.
- Fair treatment and due process.

### **Each Student Has a Responsibility to . . .**

All students will be informed of their teacher's individual classroom rules and expectations. These will be discussed thoroughly at the beginning of the school year. If students break these classroom rules, each teacher will have the option to handle the situation according to his/her professional judgment, which may include after-school detention. In serious cases and/or repeated offenses, the consequences can include a disciplinary referral to the office.

The Principal/Designee will talk with the pupil about the problem and, if the problem is serious enough, the pupil's parent will be contacted. Occasionally a pupil will be suspended from school if other means of discipline fail to improve conduct. Most of the students at the Middle Schools rarely have any serious problems, but if they feel that they might have trouble, it is much better to see the Principal/Designee BEFORE problems actually occur, rather than wait until they are in trouble. Additionally:

- Students are responsible to all authorized school employees, and are expected to obey instructions quickly, quietly, and courteously, the first time.
- Students will obey all classroom and school rules.
- Students will treat others with courtesy and respect. This includes keeping hands, feet and objects to oneself. No vulgarity.
- Dishonesty, teasing, or put-downs including but not limited to race, religion, ethnic origin, size, or handicap are not allowed.
- Students will attend school daily unless ill or legally excused.
- Students will come to class prepared to work and will remain until dismissed by the teacher.
- Each student will have a pencil and/or pen, paper and binder as required by the individual teacher.
- Students will remain seated until the bell rings and the teacher dismisses the class.

- Since tardies affect academic pursuits, a student will be considered tardy if he/she is not in his/her seat and prepared to work when the tardy bell rings.
- Students will complete all assignments and meet deadlines.
- No gum, food, candy, or drinks will be allowed in class without prior permission.

#### **Each Parent Has a Right to . . .**

- Be treated respectfully.
- Expect his/her child to attend a school which emphasizes learning and growing in an environment free of detrimental influences.
- Be informed of disciplinary problems and actions.
- Due process for his/her child.
- Visit the school and observe programs when prior arrangements have been made.
- Be provided with a qualified translator.
- Be provided with translated parent notifications when 15% of the students in the school speak that language.

#### **Each Parent Has a Responsibility to . . .**

- Be aware that he/she is legally obligated to share responsibility with the school for the behavior of his/her child while he/she is in transit or at school.
- Understand and support local school behavior standards.
- Help the child understand, accept, and respect all school rules.
- Cooperate with school officials in carrying out appropriate disciplinary actions and seek out appropriate community agencies for assistance when necessary.
- Bring all issues, problems, or concerns happening at school regarding other students to the site administration and NOT confront or address issues, problems, or concerns with other students.
- Reinforce educational achievement of his/her child and communicate achievements at home to school staff for reinforcement at school.
- Ensure regular and prompt attendance and notify the school in the event of an absence or tardiness.
- Read all communications which come from school and respond when requested.
- Be financially responsible for their children losing school materials/equipment and/or causing damage to school property or personal property of any school employee.
- Send children to school clean, rested, well-nourished, appropriately dressed, and ready to learn.

**Each Teacher Has a Right to . . .**

- Assign seats.
- Require detention for up to one hour after school.
- Give grades he/she considers appropriate.
- Require compliance with classroom and school rules.
- Expect students to obey directions.
- Be treated respectfully.
- Expect work to be completed on time.
- Suspend a student from class for violations of Ed Code 48900 (a) – (r) for up to two class periods (day of infraction plus one additional day). (Ed Code 48900.1)

**Each Teacher Has a Responsibility to. . .**

- Provide a safe, secure, positive learning environment.
- Review and enforce with students the district discipline policies and school rules.
- Communicate regularly with students, parents, and appropriate school personnel regarding behavior problems and proposed solutions, and/or academic progress, as well as outstanding student achievements.
- Inform parents of rules and policies related to behavior and discipline.
- Exhibit fair, consistent treatment of all students.

**Each Administrator Has a Right to . . .**

- Be treated respectfully.
- Expect students, parents, and teachers to cooperate with the administration of state laws, district policies, and school rules which govern the operation of the school.
- Expect parents to communicate their concerns, questions, and suggestions first with the teacher and then the school administrator.
- Give consequences for violation of the education code, state and federal laws.
- Investigate violations and question students without parental consent.
- Search and seizure with reasonable suspicion without parental consent.
- Inform law enforcement agencies and ask for assistance/collaboration regarding student violation of state and federal law.
- Request law enforcement agencies to investigate violations, and/or question students without parental consent.
- Release pupil directory information (Education Code 49076.)



**Each Administrator Has a Responsibility to . . .**

- Create a safe, secure, positive teaching-learning environment by properly exercising authority assigned by the School Board, the Superintendent, and state laws.
- Communicate to parents, staff, and students the state laws, district policies, and school rules which govern behavior expectations.
- Assist students, parents, and staff in seeking solutions to problems.
- Establish procedures for encouraging and recognizing positive behavior.
- Be fair, firm, and consistent in enforcing district policies and school rules, and **any** decisions affecting students, parents, and teachers.
- Maintain open lines of communication between school and home.

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**The School Board Has a Right to . . .**

- Be respected as the policy formulating body of the school district.
- Expect students, parents, teachers, and administrators to comply with state laws, and district policies as established by the Governing Board.
- Expect parents to communicate their concerns, questions, and suggestions first with the teacher, then the administration, then the Director of Student Services, and finally with the Governing Board.

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**The School Board Has a Responsibility to . . .**

- Establish policies and procedures which create a safe, secure, positive teaching-learning environment at each of the district's schools.
- Assist students, parents, and staff in seeking solutions to problems by directing them to the appropriate administrative office.
- Insure that administrators are fair, firm, and consistent in enforcing district policies and school rules, and in decisions affecting students, parents, and teachers.
- Establish policies and procedures for encouraging and recognizing positive student behavior.
- Establish policies and procedures which maintain open lines of communication between school and home.

**Student Conduct**

Students ~~in TUSD~~ are expected to obey all school rules, display excellent citizenship and realize rules are established for everyone's help and protection. This document outlines behavior expectations for students and gives examples of possible consequences should rules be broken. Parents and the school are partners in good discipline. The school will notify parents, whenever possible, if their student is having a behavior problem at school. We enjoy and

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anticipate parent support for our discipline plan. State law and good parenting require parents to respond to all school requests for parent conferences. Notification of parents will include telephone calls and/or written communications.

This document provides an indication of the types of behavior violations and potential consequences that may apply to students whose behavior is related to school activity or attendance which occur at any time, including but not limited to the following:

- (1) While on school grounds.
- (2) While coming to or going from school.
- (3) During the lunch period, whether on or off the campus.
- (4) During the period that school is in session when the student is truant from school.
- (5) During or while going to or coming from, a school sponsored activity.

A student transferring from one school to another within the Tracy School District during a school year will be held accountable for his/her behavior record at the original school (i.e. the behavior record transfers to the new school and is not canceled by the move).

All behavior violations shall be cumulative, regardless of the fact that they may pertain to different offenses. Also, in rare instances, the consequences outlined in this document may be MODIFIED due to unusual circumstances. NOTE: Serious violations or violations of different sections of the Education Code can lead to maximum consequences on the first offense.

**Alcohol and Other Drugs (BP/AR 5131.6)**

**Students are prohibited from using any drugs or consuming any alcohol or being under the influence of any drugs or alcohol or intoxicant of any kind while on school property, during school-sponsored activities and under school jurisdiction. Possession of drugs and/or alcohol or intoxicant of any kind, either actual or constructive, by students on school property, during school-sponsored activities, or under school jurisdiction is also expressly prohibited. Possession of drugs, alcohol or intoxicant of any kind includes, but is not limited to, actual physical possession or control of such substances, possession of such substances in a student's car, locker, desk, backpack or other container or being in close proximity to such substances with the intent to use or possess such substances.**

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**Bullying (BP/AR 5131.2)**

All students have a right to a safe and healthy school environment. The Tracy Unified School District 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. Bullying of any student is not tolerated and 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.

Complaints of bullying will be investigated and 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. Bullying which may also constitute sexual and/or gender-based harassment will be investigated and addressed using the complaint procedures set forth in BP/AR 5145.7-Sexual and Gender-Based Harassment.

**Cell Phones/Electronic Devices**

Students may possess or use on school campus personal electronic signaling devices including, but not limited to, pagers, beepers, and cellular/ digital telephones, as well as other mobile communication devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners and laptop computers, provided that such devices are not used for illegal or unethical activities such as cheating on assignments or tests. (Education Code 48901.5)

Cell phones and electronic devices are allowed on the school campus or school sponsored events under the following conditions:

1. During school hours, the cell phone and electronic devices must be powered off and in the student's backpack.
2. Cell phones may not be used for any reason (including talking, listening, ringing, text messaging, checking the time, taking pictures, etc.) and must be powered off except with a classroom teacher's expressed permission per BP/AR 6163.4.
3. Students displaying or using cell phones or electronic devices in the classroom or inappropriately will be subject to disciplinary measures and be considered in defiance.

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**The use of any electronic listening or recording device in any classroom without the prior consent of the teacher and the principal of the school disrupts and impairs the teaching process and such use is prohibited by law. (BP 5131; Education Codes 48901.5)**

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**Classroom Discipline**

~~If a student is disruptive or violates school rules, the teacher may take the following action:~~

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- ~~• Parent phone call or email.~~
- ~~• Warning, detention, or referral (teacher will contact the parents the same day on referrals).~~
- ~~• Automatic referral to the office for severe disruptions.~~
- ~~• Teacher suspension as per California Education Code 48910.~~

~~NOTE: Detention is to be served within 5 school days. For extension of time, students must bring a note from a parent. If a student does not serve the detention, the teacher will contact the parent and double the detention time. A student who continues to not serve detention ("no show") will receive a disciplinary referral.~~

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**Confiscated Items**

Confiscated items must be picked up on or before the last day of school. Confiscated items not picked up will be discarded.

**Dress Standards**

The primary responsibility for student dress and appearance rests with the parents. The primary purpose of school is education. Therefore, all aspects of school must be considered with that objective in mind. As a guide, students should be dressed in clothing that would be appropriate in the workplace. Apparel shall be neat, clean, safe, and not disruptive to instructional activities. Crude or vulgar commercial lettering or printing, and pictures depicting occult messages, weapons, drugs, tobacco, alcoholic beverages, racial/ethnic slurs, unauthorized group affiliation that are sexually suggestive, or deemed inappropriate by site administration on **any clothing** are not acceptable.

Hats	<ul style="list-style-type: none"><li>• Must be worn facing forward, Beanies OK, name can be written on the inside band (NOT the bill)</li></ul>
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	<ul style="list-style-type: none"> <li>• NO: Predominantly RED or BLUE, Backwards, hair rollers, shower caps, bandanas (ANY color), hairnets, skull caps, wave caps, pins/attachments to the hat, personalized hats</li> </ul>
Tops	<ul style="list-style-type: none"> <li>• NO: see-through, fishnet, sheer, tank tops, tube tops, halter tops, off the shoulder, low cut, any tops that expose undergarments, tops that show off the midriff/body, spaghetti straps, pictures depicting occult messages, weapons, drugs, tobacco, alcoholic beverages, racial/ethnic slurs, unauthorized group affiliation or that are sexually suggestive, crude/vulgar messages.</li> </ul>
Pants/ Shorts	<ul style="list-style-type: none"> <li>• Must be longer than the fingertips when arms are extended at side</li> <li>• Pants worn at the waist/hips</li> <li>• NO: Lycra shorts/skirts/dresses, rips/tears/holes above the fingertips (unless wearing leggings underneath)</li> </ul>
Accessories	<ul style="list-style-type: none"> <li>• NO: steel toe boots, chains, spikes, etc.</li> </ul>
Shoes/Footwear	<ul style="list-style-type: none"> <li>• Shoes of any type that present a safety hazard are prohibited. Shoes must have backs for safety purposes. In specialty classes, the teacher will determine appropriate shoes. Students must wear appropriate athletic footwear in all P.E. classes. No slippers will be allowed on campus. No shoes with wheels will be permitted.</li> </ul>
Unauthorized Group Apparel	<ul style="list-style-type: none"> <li>• <del>No student may wear more than 2 items of Red or Blue while on campus. (BP/AR 5132-Dress and Grooming and BP/AR 5136-Unauthorized Groups)</del></li> </ul>
Miscellaneous	<ul style="list-style-type: none"> <li>• <del>No student may wear more than 2 items of Red or Blue while on campus. See Unauthorized Group Apparel for more information.</del></li> <li>• <del>NO: beach attire, nightwear (including pajama pants), slippers, undergarments should not be exposed</del></li> <li>• <del>Cell phones should be OFF and not used during the day (except with classroom teacher's expressed permission per BP/AR 6163.4)</del> <del>No student may wear more than 2 items of Red or Blue while on campus. See Unauthorized Group Apparel for more information.</del></li> <li>• NO: beach attire, nightwear (including pajama pants), slippers, undergarments should not be exposed</li> <li>• <del>Cell phones should be OFF and not used during the day. Cell phones may not be used for any reason (including talking, listening, ringing, text messaging, checking the time, taking pictures, etc.) and must be</del></li> </ul>

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**Eighth Grade Promotion Activities Behavior Standards**

Eighth grade students will be denied participation in eighth grade promotion activities as a result of inappropriate behavior in accordance with school standards. Behavior standards are as follows:

- 1. **One (1) suspension during the year will cause a warning letter to be sent home about promotion activities.**
- 2. **Two (2) suspensions, or five (5) total days of suspension during the year will exclude a student from the eighth grade trip.**
- 3. **Three (3) suspensions, or seven (7) total days of suspension during the year will exclude a student from the eighth grade promotion dance.**
- 4. **Four (4) suspensions, or eight (8) total days of suspension during the year will exclude a student from not only the eighth grade promotion ceremony but also all other promotion activities.**

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Significant improvement in behavior, as determined by the Promotion Review Committee and Principal, may be considered as grounds for the reinstatement of a Promotion privilege. A maximum of one privilege may be reinstated and that privilege will be the last privilege lost. Students who are suspended for serious offenses, which cause a danger to persons or property or threaten to disrupt the operation of the school or a school activity, after the Promotion Review Committee has met, may be excluded from any of the promotion activities.

- Any student excluded from the eighth grade trip, which is truant from school and goes to eighth grade trip that day, will lose the next activity.
- Expulsion of an eighth grade student may result in a loss of one or more Promotion activities, including the right to participate in the eighth grade promotion ceremony.

**Eighth Grade Promotion Assembly Dress Policy**

The following guidelines shall be observed in determining appropriate school attire for the eighth grade promotion ceremony:

- 1. All students participating in the eighth grade promotion will wear the school adopted attire during the entire assembly. Students must wear the attire in their original condition and without modification. Students not conforming to this requirement will not be allowed to participate in the eighth grade promotion activities.

2. The regular school dress code will also be in effect throughout the eighth grade promotion activities.

### **Hats/Sunglasses/Protective Headwear**

Students are welcome to wear hats and sunglasses on campus, but must maintain a classroom environment that is free of distractions and reflects an academic atmosphere. Sunglasses, hats and other head coverings are not to be worn inside the classrooms and/or at any indoor function except for religious or medical reasons.

### **Library Fines and Restitution for Lost or Damaged- School Property** **(48904 B1, B2, B3)**

**The District expects that students will keep district property that has been loaned to them, such as textbooks or library books, in good repair and to return the property at the end of the school year without damage, other than normal wear and tear.**

**When a minor student willfully cuts, defaces, or otherwise injures real or personal property of the district or willfully does not return district property that has been loaned to the student, the student's parents/guardians may be required to pay the costs of all damages within the limits established pursuant to Education Code 48904. The Superintendent or designee may withhold the student's grades, diploma, and/or transcripts until the student's parents/guardians have paid for the damages or the student has completed voluntary work or other nonmonetary alternative offered by the district in lieu of monetary damages. (Education Code 48904, 49014)**

**Before withholding a student's grades, diploma, and/or transcripts, the Superintendent or designee shall inform the student's parents/guardians in writing of the student's alleged misconduct and the student shall be afforded due process consistent with procedures established for the expulsion of students. (Education Code 48904; 48900(f))**

**When the minor and parent are unable to pay for the damages, or to return the property, the school shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the grades, diploma, and transcripts of the pupil shall be released ~~and student will be able to participate in extra-curricular activities.~~**

**Any school site in the District whose real or personal property has been willfully cut, defaced, or otherwise injured, or whose property is loaned to a pupil and willfully not returned upon demand of an employee of the school authorized to make the demand may, after affording the pupil his or her due process rights, withhold the grades,**

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diploma, transcripts and extracurricular activities of the pupil responsible for the damage until the pupil or the pupil's parent or guardian has paid for the damages thereto, as provided in Education Code 48900(f). (48904 b1)

The school shall notify the parent or guardian of the pupil in writing of the pupil's alleged misconduct before withholding the pupil's grades, diploma, or transcripts, and extra-curricular activities pursuant to Education Code 48900(f). (48904 b2)

The governing board of each school shall establish rules and regulations governing procedures for the implementation of this subdivision. The procedures shall confirm to, but are not necessarily limited to, those procedures established in this code for the expulsion of pupils. (48904 B3)

All books not returned by the last day of finals will have an overdue charge of \$5.00 per book.

**Lost and/or Damaged Books Fines**

~~According to Education Code 48904(b), the parent or guardian of a minor shall be liable to a school district for all property belonging to a school district loaned to the minor and not returned upon demand of an employee of the district authorized to make the demand. This includes textbooks and library materials. Unless a student is exempt or has completed voluntary work in restitution for lost or damaged books, According to Education Code 48904(b), the parent or guardian of a minor shall be liable to a school district for all property belonging to a school district loaned to the minor and not returned upon demand of an employee of the district authorized to make the demand. This includes textbooks and library materials. Students the student and his/her parents must compensate the District for damaged and/or lost library and textbooks as follows:~~

Description of Book Damage or Loss	Fee
Any Book Damaged Beyond Use	Replacement cost
Bar Code Missing or damaged/marked	\$5.00
Missing Pages (maximum of five pages)	\$5.00 per page
Missing/Torn page	Starts at \$2.00 per page
Missing/Torn Pages (more than five pages)	Replacement cost of book
Water Damage	Begins at \$10.00
Cover Damage	Begins at \$5.00
Marks/Scribbles	\$3.00 per page
Minimal Spine and/or Cover Damage	\$5.00

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Abandoned During Textbook Check-in	\$10.00
Severe Spine and/or Cover Damage	Replacement cost of book
Stolen/Lost	Replacement cost of book

After receiving a textbook, the student must carefully inspect its condition. The student has five (5) school days after receiving a textbook to report damage to the library. After this grace period, the student and parent/guardian are liable for all damages.

It is required that all library books and/or textbooks be returned either at the end of the school year or at the time a student checks out of school during a school year. If a textbook **is lost or** stolen, the student will be charged the replacement cost of the book. If the book is found within one year from the date the book was marked lost, a student may get a refund if found in good condition minus any late fees. **All books not returned by the last day of school, or at the time a student checks out of school, will have an overdue charge of \$5.00 per book.** Students who change courses are responsible for returning the textbook/novel at the time of transfer. Students enrolled in semester-long courses must return their textbooks at the end of the semester and class novels must be returned on the scheduled return date for that class: failure to do either will result in a \$5.00 late fee. Failure to do so will result in a \$5.00 late fee. Students expelled or suspended from school may return their textbooks or library books to the District Instructional Media Center located at 1975 W. Lowell Ave., Tracy, CA. Failure to do so may result in the book being marked lost or having a late fee assigned.

The District cannot accept textbooks or library books purchased from outside sources, e.g., Amazon, Barnes and Noble.

Students owing fines are not allowed to participate in school sponsored after-school activities ~~or as well as~~ co-curricular and extra-curricular events.

~~Per Education Code 48904(b); Per Education Code 48904(b); A~~ student's grades, high school diploma, and transcripts will be held from students and parents/guardians until the lost or damaged book is either returned or the fee is paid. Upon return of the book in good condition or payment of the fee, the student's diploma will be released. If a book is misplaced and then found at a later date, the student may return it for release of the diploma only within one year's time (June of the following year). After a year, the student may receive his/her diploma only by paying the replacement cost of the book plus all fees. **(Education Code 48904(b))**

**Nondiscrimination/Harassment (BP 5145.3)**

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Members of the school community are expected to treat each other with dignity and mutual respect and to accept the rich diversity that makes up the community. Disrespect among members of the school community is unacceptable behavior which is disruptive to the learning environment and potentially damaging to self-esteem.

Discrimination is prohibited at any district school or school activity. Unlawful discrimination, including discriminatory harassment, includes intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

Complaints of discrimination and/or observed unlawful discrimination, including bullying, will be investigated as described in the Uniform Complaint Procedures (BP/AR 1312.3; Bullying Investigation Procedures AR 5131.2; and/or Sexual and Gender-Based Harassment BP/AR 5145.7)

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion.

**Student Property Search and Seizure (BP 5145.12)**  
**As necessary to protect the health, safety and welfare of students and staff, school officials may search students, their property and/or District property under their control and may seize illegal, unsafe and prohibited items. School officials may search individual students and their property when there is reasonable suspicion that the search will uncover evidence that the student is violating the law or rules of the district or school. The Governing Board requires that discretion, good judgment and common sense be exercised in all cases of search and seizure. (Education Code 49050)**

The parent/guardian of a student subjected to an individualized search shall be notified by the district as soon **as possible upon the completion of the search.** ~~after the search as possible.~~

**Student Technology Guidelines (BP/AR 6163.4)**

**The Tracy Unified School District intends that the technological resources it provides be used in a safe, responsible and proper manner in support of its instructional programs and for the advancement of student learning. Before a student is authorized to use the**

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district's technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities.

Whenever a student is found to have violated Board policy, regulations, or the Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

**Surveillance Cameras on Campus**

Cameras are installed at the school sites for safety and security, and information will be shared with the Tracy Police Department for any violations of the law.

**Tobacco/e-Cigarette Use (BP/AR 5131.62)**

Smoking, e-cigarettes or other tobacco products are prohibited in all District buildings, outside on District property, and during activities such as concerts and sporting events on District property. Student possession or use of tobacco, e-cigarettes or tobacco products on school premises or at school-sponsored events is a violation of law and Board Policy and is not permitted. Students violating this policy shall be subject to disciplinary procedures.

**Unauthorized Group-Related Conduct/Activity (BP/AR 5136)**

Unauthorized Group-related Conduct/Activity on all school campuses and/or adjacent to the campus during all school sponsored events is a threat to the safety of others and is STRICTLY PROHIBITED.

**Unauthorized Group Apparel is Prohibited (BP/AR 5136)**

- Jewelry, accessory, notebook or manner of grooming (including haircuts) which by virtue of its color, arrangement, trademark or any other attribute denotes membership in a gang or group is prohibited.
- No clothing or articles of clothing (including but not limited to gloves, bandannas, shoestrings, wristbands, belts, jewelry) related to group or gang that may provoke others to acts of violence are prohibited.

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- Belt buckles with initials or red, blue, or brown web belts, belts hanging out of pants, red or blue shoelaces, bandanas of any type of color, either worn in hair or displayed in clothing
- Gloves, towels, suspenders or other items hanging from rear pants pockets or from belt.
- Excessive clothing items of predominately one color, old English style writing on clothing or notebooks are prohibited.
- Because gang-related symbols are constantly changing, definitions of gang-related apparel may be reviewed and updated whenever related information is received by administrators.

If a student is determined to have violated the dress code by wearing unauthorized group colors, he/she will be banned from wearing specific colors or any unauthorized group related apparel.

Students are not permitted to wear hats or other head coverings in class, assemblies, or at any indoor school function. Sunglasses are not to be worn in the classroom. Any student who deviates from the accepted standards set forth in this policy will be required to prepare properly for the classroom before being admitted. Refusal to cooperate will result in disciplinary action.

## INTERVENTIONS

### Conflict Resolution

The Tracy Unified School District believes that all students have a right to a safe and healthy school environment. Part of a healthy environment is the freedom to openly disagree. With this freedom comes the responsibility to discuss and resolve disagreements with respect for the rights and opinions of others.

To prevent a conflict, each school within the ~~Tracy Unified School~~ District will incorporate conflict resolution education and problem solving techniques into the curriculum and campus programs. This is an important step in promoting respect and acceptance, developing new ways of communicating, understanding, and accepting differing values and cultures within the school community and helps ensure a safe and healthy learning environment.

The ~~Tracy Unified School~~ District will provide training to develop the knowledge, attitudes, and skills that students will need to choose alternatives to self-destructive, violent behavior and dissolve interpersonal and intergroup conflict. ~~The Tracy Unified School~~ District has will adopt adopted a Student Code of Conduct to be followed by every student while on school grounds,

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when traveling to and from school or at a school-sponsored activity, and during lunch period, whether on or off the campus.

The Student Conduct Code includes but is not limited to:

- Students are to resolve their disputes without resorting to violence.
- Students, especially those trained in conflict resolution and peer mediation, are encouraged to help fellow students resolve problems peacefully.
- Students can rely on staff trained in conflict resolution and peer mediation strategies to intervene in any dispute likely to result in violence
- Students needing help in resolving a disagreement, or students observing conflict may go to the office to contact an adult, or to set up an appointment with peer mediators.
- Students involved in a dispute will be referred to a conflict resolution or peer mediation session with trained adult peer mediators. Staff and mediators will keep the discussions confidential.
- Conflict resolution procedures shall not supplant the authority of staff to act to prevent violence, ensure campus safety, maintain order, and discipline students.

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Alternatives to Discipline

Alternatives to suspension may include:

- A conference between school personnel, the pupil's parent or guardian, and the pupil.
- Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.
- Study teams, guidance teams, resource panel teams, or 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 psychoeducational assessment when appropriate
- Enrollment in a program for teaching prosocial behavior or anger management.
- Participation in a restorative justice program.

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- A positive behavior support approach with tiered interventions that occur during the schoolday on campus.
- Attending an after-school program that addresses specific behavioral issues or exposes students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups. (Education Code 48900.5)
- Community service. (Education Code 49800.6)

California Education Code 48900.6, Community Service

~~As part of or instead of disciplinary action drescribed in this handbook, the principal or designee of a school, the principal's designee, the superintendent of schools, or the governing board~~ may require a pupil to perform community service on school grounds or, with written permission of the parent/~~or~~ guardian of the pupil, off school grounds, during the pupil's non-school hours. ~~For the purposes of this section, "Community service"~~ may include, but is not limited to, work performed in the community or on school grounds in the areas of outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. This section does not apply if a pupil has been suspended, pending expulsion, pursuant to Section 48915. However, this section applies if the recommended expulsion is not implemented or is, itself, suspended by stipulation or other administrative action, (Education Code 48900.6)

Alternate Placement

The Alternate Placement program provides the staff at the Middle Schools with an alternative to student suspension from school, thus allowing designated students to spend more days at school. Alternate Placement may include detention, Administrative Detention, or assignment to another classroom or office. Students assigned to Alternate Placement must bring an appropriate amount of assigned class work from their regular classes. Violation of Alternate Placement rules and regulations will result in an immediate referral to the office for appropriate disciplinary action.

Student Success Team (SST)

~~A meeting may be held in conjunction with a~~ Student Success Team (SST) meeting may be held in conjunction with other conduct or behavior related meeting to discuss the appropriate

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~~alternatives or interventions for a student, that which are~~ aimed at improving student's academic and behavioral functioning.

**DART Discipline and Attendance Review Team (DART)**

At 10 days of suspension, a school site DART is utilized ~~at 10 days of suspension. It is used~~ as a means to develop a plan regarding student's discipline and behavior.

**DISCIPLINE**

**Classroom Discipline**

If a student is disruptive or violates school rules, the teacher may take the following action:

- Parent phone call or email.
- Warning, detention, or referral (teacher will contact the parents the same day on referrals).
- Automatic referral to the office for severe disruptions.
- Suspension from class for the day of the incident and the day following (Education Code 48910.)

Detention is to be served **within 5 school days**. For extension of time, students must bring a note from a parent. If a student does not serve the detention, the teacher will contact the parent and double the detention time. A student who continues to not serve detention ("no show") will receive a disciplinary referral.

**Search and Seizure (BP 5145.12)**

~~The Governing Board recognizes that incidents may occur which jeopardize the health, safety and welfare of students and staff and which necessitate the search and seizure of students, their property, their lockers and/or vehicles by school officials.~~

School officials (administrators/designee?, SRO) — see Sally — may search individual students and their property when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law or the rules of the district or the school. The Board urges that discretion, good judgment and common sense be exercised in all cases of search and seizure. **NOT THE SRO, AS A POLICE OFFICER, THE SRO MUST HAVE PROBABLE CAUSE TO SEARCH. THE SRO CAN OBSERVE THE SCHOOL OFFICIALS CONDUCT THE SEARCH.**

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**Administrative Detention**

Administrative Detention is determined by the Principal or his/her designee.

It is defined as, but not limited to:

- Alternate Placement
- Community Service
- Campus Beautification
- Saturday School
- Before or After School Detention
- ~~Lunch Detention~~ Incident Reflection
- In-House Intervention Suspension
- In-House Intervention

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**In-House Suspension In-House Intervention**

~~In-House Suspension intervention is provided as a disciplinary consequence in lieu of suspension and is offered as needed. Teachers shall provide all assignments and tests that the pupil will miss while serving in our In-House Suspension intervention (Education Code 48911.1).~~

**SUSPENSION AND EXPULSION**

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**Definition and Length of Suspension**

Suspension means removal of a student from on-going instruction for purposes of adjustment.

- **At Home Suspension-** One to five days home ~~suspension, not to exceed 5 consecutive days per incident or 20 cumulative days per school year. A student with a disability may not be suspended more than 10 consecutive days.~~ Teachers may allow students to make up school work.
- **Teacher Suspension-** Removal from the suspending teacher’s classroom for the day of the suspension and possibly the following day. Students are given work by the teacher and given credit for completed work. Teachers are to make contact with the parent.

**Definition and Length of Expulsion**

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Expulsion means the removal of a student from the immediate supervision and control, or the general supervision of school personnel for more ~~than five (5) consecutive school days.~~ The expulsion shall remain in effect until the governing board orders the re-admission of the student. At the time of the expulsion, the governing board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred unless expulsion is based on the most serious violations, including possessing or selling a firearm, brandishing a knife at



~~another person, selling drugs or committing or attempting to commit a sexual assault or battery, (Education Code 48915 (c), under 48915(c) which may include a full year expulsion, before~~when the student may apply for re-admission to school.

**Due Process**

Students facing major disciplinary action (such as suspension, expulsion, or transfer to another school) have a right to ~~a fair hearing~~due process. The process requires that procedures be established to guarantee that penalties which deny access to educational opportunity are administered for a good and just cause.

Due process procedures entitle students to: 1) oral or written notification of the charges; 2) explanation of the evidence; 3) opportunity to present his/her side of the story; and 4) a right to appeal decisions resulting in major disciplinary action to the next higher authority. ~~Recommendations for expulsion provide further due process including a fair hearing before a Discipline Review Board, the right to be represented and to call witnesses. Students and their parent/guardian will have these rights explained to them at a pre-expulsion meeting.~~

~~The procedures are designed to ensure that corrective action, if any, is taken only after a thorough examination of the facts. The nature of the corrective action must be reasonable and related to the nature and circumstances of the violations. Except for the more serious violations described below, the District will seek to correct the student’s conduct through alternative means prior to recommending suspension or expulsion.~~

It is hoped that students will never place themselves in a situation requiring the protection of due process. However, if a student does become involved in a situation in which a suspension, expulsion or transfer might result, both the student and his/her parents will be given a more detailed description of the due process procedures.

~~INSERT CHART HERE or LIST OF CAUSES~~

**GROUNDS FOR SUSPENSION AND EXPULSION**

~~The following chart identifies the alternatives to suspensions and/or consequences for violations of California Education Code 48900. The chart has been developed in accordance with Tracy Unified School District Board Policy 5144 (Discipline).~~

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<u>1. Acts of Violence [EC 48900(a)]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
(1) Caused, attempted to cause, or threatened to cause physical injury to another person.	<u>X</u>	<u>X</u>	<u>X</u>
(2) Willfully used force or violence upon another person.		<u>X</u>	<u>X</u>
<u>2. Weapons and Dangerous Objects [EC 48900(b)]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
(1) Possession, sale, or furnishing of weapons (knife, gun, sharp object, club, or an object that could inflict injury) or explosive.		<u>X</u>	<u>X</u>
(2) Explosives, use or possession.		<u>X</u>	<u>X</u>
<u>3. Drugs and Alcohol [EC 48900(c)]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
(1) Possession, use, sale, or furnishing, or otherwise being under the influence of alcohol, controlled substances, or an intoxicant.		<u>X</u>	<u>X</u>

<u>4. Sale of “Look-Alike” Controlled Substance or Alcohol</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
Offering, arranging, or negotiating to sell drugs, alcohol or any intoxicant and then substituting a look-alike substance intended to represent drugs, alcohol, or an intoxicant.		<u>X</u>	<u>X</u>
<u>5. Robbery or Extortion [EC 48900(e)]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
Committed or attempted to commit robbery or extortion.		<u>X</u>	<u>X</u>
<u>6. Damage to Property [EC 48900(f)]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
Caused, or attempted to cause damage to school or private property.	<u>X</u>	<u>X</u>	<u>X</u>
<u>7. Theft or Stealing [EC 48900(g)]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
Stealing, or attempting to steal school or private property.	<u>X</u>	<u>X</u>	<u>X</u>
<u>8. Tobacco [EC 48900(h)]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
Possessed or used tobacco or nicotine products.	<u>X</u>	<u>X</u>	
<u>9. Profanity, Obscene Acts, Vulgarity [EC 48900(i)]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
(1) Directed at peers.	<u>X</u>	<u>X</u>	<u>X</u>
(2) Directed at school personnel.	<u>X</u>	<u>X</u>	<u>X</u>
<u>10. Drug Paraphernalia [EC 48900(j)]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
Possessed, offered, arranged, or negotiated to sell any drug paraphernalia.	<u>X</u>	<u>X</u>	<u>X</u>

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<u>11.1. Willful Defiance or Disruption of School Activities</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
Note: With the exception of classroom suspensions imposed by a teacher under <i>Education Code</i> 48910, no student enrolled in kindergarten through grade three may be suspended for violation of <i>Education Code</i> 48900(k)(1). Additionally, no student enrolled in kindergarten through grade twelve, regardless of age, may be recommended for expulsion for violation of <i>Education Code</i> 48900(k)(1) [ <i>EC</i> 48900(k)(2)]			
(1) Disrupting school activities.	<u>X</u>	<u>X</u>	
(2) Refusing to follow the valid authority of school personnel, including supervisors, teachers, school officials or other school staff performing their duties.	<u>X</u>	<u>X</u>	
(3) Failure to follow school rules.	<u>X</u>	<u>X</u>	
(4) Failure to follow directive or instruction of staff or teachers.	<u>X</u>	<u>X</u>	
(5) Failure to follow conduct code for school bus passengers.	<u>X</u>	<u>X</u>	
<u>12. Possession of Stolen Property [EC 48900(l)]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
Knowingly received stolen school property or private property.	<u>X</u>	<u>X</u>	<u>X</u>
<u>13. Imitation Firearm [EC 48900(m)]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
Possession of an imitation firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude the replica is a firearm.		<u>X</u>	<u>X</u>
<u>14. Sexual Assault or Sexual Battery [EC 48900(n)]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
Committed or attempted to commit a sexual assault or battery.		<u>X</u>	<u>X</u>
<u>15. Harassment of a Student Witness [EC 48900(o)]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
Harassed, threatened, or intimidated a pupil who is a witness in a school disciplinary proceeding for the purpose of intimidation or retaliation.	<u>X</u>	<u>X</u>	<u>X</u>

<b><u>16. Prescription Drug Soma [EC 48900(p)]</u></b>	<b><u>Alternative to Suspension</u></b>	<b><u>Suspension</u></b>	<b><u>Expulsion</u></b>
Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.	<u>X</u>	<u>X</u>	<u>X</u>
<b><u>17. Hazing [EC 48900(q)]</u></b>	<b><u>Alternative to Suspension</u></b>	<b><u>Suspension</u></b>	<b><u>Expulsion</u></b>
Engaged or attempted to engage in hazing.	<u>X</u>	<u>X</u>	<u>X</u>
<b><u>Bullying and Bullying by Electronic Act [EC 48900(r)]</u></b>	<b><u>Alternative to Suspension</u></b>	<b><u>Suspension</u></b>	<b><u>Expulsion</u></b>
Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, directed specifically toward a pupil.	<u>X</u>	<u>X</u>	<u>X</u>
<b><u>Aided or Abetted to Inflict Physical Injury [EC 48900(t)]</u></b>	<b><u>Alternative to Suspension</u></b>	<b><u>Suspension</u></b>	<b><u>Expulsion</u></b>
Aided or abetted in the infliction or attempted infliction of physical injury to another student.	<u>X</u>	<u>X</u>	<u>X</u>
<b><u>Sexual Harassment [EC 48900.2]</u></b>	<b><u>Alternative to Suspension</u></b>	<b><u>Suspension</u></b>	<b><u>Expulsion</u></b>
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. Applies to grades 4-12.	<u>X</u>	<u>X</u>	<u>X</u>
<b><u>Acts of Hate Violence [EC 48900.3]</u></b>	<b><u>Alternative to Suspension</u></b>	<b><u>Suspension</u></b>	<b><u>Expulsion</u></b>
Students in grades 4-12 may be suspended or recommended for expulsion for causing, threatening, or attempting to cause, or participating in an act of hate violence defined as willfully interfering with or threatening another person's person or property rights because of race, ethnicity, national origin, religion, disability, or sexual orientation. Speech that threatens violence, when the perpetrator has the apparent ability to carry out the threat, may be considered an act of hate violence.	<u>X</u>	<u>X</u>	<u>X</u>

<u>Other Harassment [EC 48900.4]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
Students in grades 4-12 may be suspended or recommended for expulsion for intentionally engaging in harassment, threats, or intimidation against a student or group of students when the harassment is severe and pervasive and disrupts classes or creates disorder or an intimidating or hostile educational environment.	<u>X</u>	<u>X</u>	<u>X</u>
<u>Terrorist Threats [EC 48900.7]</u>	<u>Alternative to Suspension</u>	<u>Suspension</u>	<u>Expulsion</u>
Making terrorist threats against school officials and/or property.	<u>X</u>	<u>X</u>	<u>X</u>

## SUSPENSION

### Teacher Suspension of a Student from Class

A teacher may suspend, for any of the reasons contained in Education Code Section 48900 ~~of the Education Code~~, any student from his/her class for the day of the suspension and the following day.

1. When a teacher suspends a student for any of the reasons ~~above, contained in Section 48900~~, the teacher shall immediately report the suspension to the Principal/Designee for appropriate action.
2. As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent/teacher conference regarding the suspension. A counselor should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests.
3. A suspended student shall not be returned to class during the period of suspension without the approval of the teacher of the class and the Principal/Designee.

### Principal/Designee Suspension of a Student

The Principal/Designee may suspend and/or place a student on probation for any of the reasons contained in Education Code Sections 48900 and/or 48915. Except for teacher suspensions from class, students in Kindergarten through grade 3 may not be suspended for disruption or defiance under Section 48900(k). ~~The A~~ suspension ~~shall be limited to~~ may not exceed five (5) consecutive school days per offense.

1. Suspension shall be preceded by an informal conference between the student, a certificated school employee and whenever practicable, the teacher or supervisor who referred the student to the Principal/Designee. At the conference the student shall be informed of the reason(s) for the disciplinary action and the evidence against him/her and shall be given the opportunity to present his/her version and evidence in support of his/her defense. The conference may be omitted if the Principal/Designee determines that an emergency situation exists, in that there is a clear and present danger to the lives, safety or health of students or school personnel. If the pre-suspension conference is not held, then a meeting shall be held as soon as practicable, but not later than two (2) school days from the day the suspension is ordered unless the student is physically unable to attend due to hospitalization, incarceration, etc., in which case the conference will be held as soon as the student is physically able to return to school unless the student waives the right to the conference.

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2. At the time of suspension, a school employee shall make a reasonable effort to contact the student's parent/guardian in person or by telephone. A school employee shall also report the suspension of the student to the Director of Student Services.

3.  
4.3. A notice of the suspension shall be mailed by a school employee to the parent/ guardian in the primary language of the parent/guardian; if practicable, containing each of the following:

- a. A statement of the facts leading to the decision to suspend.
- b. The day and time the student will be allowed to return to school.
- c. A statement of the parent's or the student's right to have access to the student's record, ~~as provided in Education Code 48914.~~
- d. A request that the parent/guardian attend a conference with school officials regarding the student's behavior, including notice that State law requires parents or guardians to respond to such request without delay.

5.4. While parents or guardians are required to respond without delay to a request for a conference regarding their child's behavior, no penalties may be imposed on the student for the failure of the parent/ guardian to attend such conference. In addition, the student's re-admission shall not be contingent on the attendance of the parents or guardian at such conference.

6.5. The pupil is in the complete custody and jurisdiction of his/her parents or legal guardian during the entire period of suspension.

7.6. The pupil is not to loiter on or near any school grounds at any time, or attend any school activities, no matter where such activities may be taking place.

8.7. The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension. In addition, a suspended student may be allowed to complete all assignments and tests missed during the suspension which can be reasonably provided, and upon satisfactory completion, given full credit therefore. (Education Code 48913.)

9.8. Completion of Assignments: The teacher of any class from which a pupil is suspended may require the suspended pupil to complete any assignments and tests missed during the suspension (Education Code 48913).

#### ~~In-House Suspension~~ **In-House Suspension Intervention**

~~A pupil suspended from a school for any of the reasons enumerated in Sections 48900 and 48900.2 may be assigned, by the principal or the principal's designee, to a supervised suspension classroom for the entire period of suspension if the pupil poses no imminent danger or threat to the campus, pupils, or staff, or if an action to expel the pupil has not been initiated.. Teachers shall provide all assignments and tests that the pupil will miss while serving in our In-House Suspension Intervention (Education Code 48911.1).~~

#### **Appealing a Suspension and/or Other Disciplinary Action**

The student or the student's parent/guardian may appeal the suspension and/or conditions of probation imposed by the Assistant Principal to the Principal of the school. This appeal must occur within ten school days of the incident. If the appeal is not resolved at the school site by the Principal, then the student or the student's parent/guardian may appeal the suspension and/or conditions of probation to the Superintendent or the

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Superintendent's designee. A meeting, if requested, must be held within three (3) school days of the time that the Superintendent or the Superintendent's designee receives the request for an appeal.

~~Under the provisions of Education Code 48914,~~ the District has established the following procedures for appealing a suspension taken by the school:

1. The student or student's parent/guardian may appeal a suspension. The appeal shall be filed within ten (10) school days of the time that the suspension and/or other disciplinary action took place. A meeting, if requested, must be held within three (3) school days of the time that the Principal received the request for the appeal. The Principal shall make a decision regarding the appeal within two (2) school days.

2. If the appeal is not resolved at the school site by the Principal, then the student or the student's parent/guardian may appeal the suspension to the Superintendent or the Superintendent's designee. The appeal shall be filed within ten (10) school days of the time that the Principal renders his/her decision. A meeting, if requested, must be held within three (3) school days of the receipt of the Superintendent or the Superintendent's designee. The procedure shall be as follows:

- a. The Superintendent or Superintendent's designee shall determine if there was sufficient evidence to find that the alleged violation occurred, and whether the penalty was appropriate for the violation.
- b. The student may designate a representative to be present with him/her at the meeting, but the representative shall not serve as legal counsel unless the district has a legal counsel present to represent the school district.
- c. At the meeting the Superintendent or Superintendent's designee shall review all written documents in the case; and the student's parents or guardian and/or representative address the Superintendent or Superintendent's designee on the evidence or the appropriateness of the penalty.
- d. The Superintendent or Superintendent's designee shall make a decision within five (5) school days. If the Superintendent or Superintendent's designee determines that no violation occurred, all record and documentation regarding the disciplinary proceedings and suspension shall be immediately destroyed and no information regarding the meeting shall be placed in the student's permanent record file. If the Superintendent or Superintendent's designee determines that the penalty imposed was inappropriate for the violation, all records and documentation concerning the suspension and/or other disciplinary action shall be revised to indicate only the facts leading to the penalty imposed by the Superintendent or the Superintendent's designee.

### **Social Probation**

A student will be placed on social probation for dances after a one to five-day suspension. The social probation will prohibit the student from attending any dance that falls within three (3) weeks of the suspension. After a student has three suspensions or a total of seven days of suspension, the student will be excluded from all dances, athletic teams, and athletic team events for the remainder of the school year. Students may be excluded from assemblies and field trips if their presence would be disruptive. If social probation occurs during the last weeks of school for an eighth grader, it will include restriction from all activities except those which fall under the Promotion Behavior Standards. Certain severe violations of the school discipline policy will also result in social probation (see **Ground for Suspension and Expulsion** ~~Disciplinary Violations and Consequences~~ **WHERE ARE THESE? ARE THEY STILL IN EFFECT?** ~~Social probation applies throughout as a consequence.~~

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**Grounds for Suspension and Expulsion (BP/AR 5144.1)**

Educ. Code 48900. A pupil shall not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has:

- ~~(a)(1) Caused, attempted to cause, or threatened to cause physical injury to another person.~~
- ~~(a)(2) Willfully used force or violence upon the person of another, except in self defense.~~
- ~~(b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.~~
- ~~(c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or intoxicant of any kind.~~
- ~~(d) Unlawfully offered, arranged or negotiated to sell any 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 any person another liquid, substance, or material and represented the liquid, substance or material as a controlled substance, alcoholic beverage, or intoxicant.~~
- ~~(e) Committed robbery or extortion.~~
- ~~(f) Caused or attempted to cause damage to school property or private property.~~
- ~~(g) Stolen or attempted to steal school property or private property.~~
- ~~(h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clover cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her prescription products.~~
- ~~(i) Committed an obscene act or engaged in habitual profanity or vulgarity.~~
- ~~(j) Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.~~
- ~~(k) 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.~~
- ~~(l) Knowingly received stolen school property or private property.~~
- ~~(m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.~~
- ~~(n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.~~
- ~~(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or 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.~~
- ~~(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.~~
- ~~(q) Engaged in, or attempted to engage in, hazing as defined in subdivision (b) of Section 245.6 of the Penal Code.~~

- ~~(r) Engaged in an act of bullying, including but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of section 32261, directed specifically toward a pupil or school personnel.~~
- ~~(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including but not limited to, any of the following:
  - ~~1. While on School Grounds.~~
  - ~~2. While going to or coming from school.~~
  - ~~3. During the lunch period whether on or off the campus.~~
  - ~~4. During, or while going to or coming from, a school-sponsored activity.~~~~
- ~~(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).~~

#### 48900.1

- ~~—(a) The governing board of each school district may adopt a policy authorizing teachers to require the parent or guardian of a pupil who has been suspended by a teacher pursuant to Section 48910 for reasons specified in subdivision (i) or (k) of Section 48900, to attend a portion of a school day in the classroom of his or her child or ward. The policy shall take into account reasonable factors that may prevent compliance with a notice to attend. The attendance of the parent or guardian shall be limited to the class from which the pupil was suspended.~~
- ~~—(b) The policy shall be adopted pursuant to the procedures set forth in Sections 35291 and 35291.5. Parents and guardians shall be notified of this policy prior to its implementation. A teacher shall apply any policy adopted pursuant to this section uniformly to all pupils within the classroom. The adopted policy shall include the procedures that the district will follow to accomplish the following:
  - ~~—(1) Ensure that parents or guardians who attend school for the purposes of this section meet with the school administrator or his or her designee after completing the classroom visitation and before leaving the school site.~~
  - ~~—(2) Contact parents or guardians who do not respond to the request to attend school pursuant to this section.~~~~
- ~~—(c) If a teacher imposes the procedure pursuant to subdivision (a), the principal shall send a written notice to the parent or guardian stating that attendance by the parent or guardian is pursuant to law. This section shall apply only to a parent or guardian who is actually living with the pupil.~~
- ~~—(d) A parent or guardian who has received a written notice pursuant to subdivision (c) shall attend class as specified in the written notice. The notice may specify that the attendance of the parent or guardian be on the day the pupil is scheduled to return to class, or within a reasonable period of time thereafter, as established by the policy of the board adopted pursuant to subdivision (a).~~

#### 48900.2

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

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

#### **48900.3**

In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of section 233.

#### **48900.4**

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

#### **48900.5**

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

—(b) Other means of correction include, but are not limited to, the following:

—(1) A conference between school personnel, the pupil's parent or guardian, and the pupil.

—(2) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.

—(3) Study teams, guidance teams, resource panel teams, or 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.

—(4) Referral for a comprehensive psychosocial or psychoeducational 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 (29 U.S.C. Sec. 794(a)).

—(5) Enrollment in a program for teaching prosocial behavior or anger management.

—(6) Participation in a restorative justice program.

—(7) A positive behavior support approach with tiered interventions that occur during the school day on campus.

~~—(8) 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;~~

~~—(9) Any of the alternatives described in Section 48900.6.~~

#### 48900.7

~~(a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.~~

~~For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.~~

#### 48903

~~(a) Except as provided in subdivision (g) of Section 48911 and in Section 48912, the total number of days for which a pupil may be suspended from school shall not exceed 20 school days in any school year, unless for purposes of adjustment, a pupil enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case the total number of schooldays for which the pupil may be suspended shall not exceed 30 days in any school year.~~

~~(b) For the purposes of this section, a school district may count suspensions that occur while a pupil is enrolled in another school district toward the maximum number of days for which a pupil may be suspended in any school year.~~

#### 48911.1 (a)

~~A pupil suspended from a school for any of the reasons enumerated in Sections 48900 and 48900.2 may be assigned, by the principal or the principal's designee, to a supervised suspension classroom for the entire period of suspension if the pupil poses no imminent danger or threat to the campus, pupils, or staff, or if an action to expel the pupil has not been initiated.~~

~~—(b) Pupils assigned to a supervised suspension classroom shall be separated from other pupils at the school site for the period of suspension in a separate classroom, building, or site for pupils under suspension.~~

~~—(c) School districts may continue to claim apportionments for each pupil assigned to and attending a supervised suspension classroom provided as follows:~~

~~—(1) The supervised suspension classroom is staffed as otherwise provided by law.~~

~~—(2) Each pupil has access to appropriate counseling services.~~

~~—(3) The supervised suspension classroom promotes completion of schoolwork and tests missed by the pupil during the suspension.~~

~~—(4) Each pupil is responsible for contacting his or her teacher or teachers to receive assignments to be completed while the pupil is assigned to the supervised suspension classroom. The teacher shall provide all~~

~~assignments and tests that the pupil will miss while suspended. If no classroom work is assigned, the person supervising the suspension classroom shall assign schoolwork.~~

~~—(d) At the time a pupil is assigned to a supervised suspension classroom, a school employee shall notify, in person or by telephone, the pupil's parent or guardian. Whenever a pupil is assigned to a supervised suspension classroom for longer than one class period, a school employee shall notify, in writing, the pupil's parent or guardian.~~

~~—(e) This section does not place any limitation on a school district's ability to transfer a pupil to an opportunity school or class or a continuation education school or class.~~

~~—(f) Apportionments claimed by a school district for pupils assigned to supervised suspension shall be used specifically to mitigate the cost of implementing this section.~~

#### 48915 (c) (Revisit this section for accuracy)

~~The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off of school grounds:~~

- ~~(1) Possessing, selling, or otherwise furnishing a firearm.~~
- ~~(2) Brandishing a knife at another person.~~
- ~~(3) Unlawfully selling a controlled substance listed in chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.~~
- ~~(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of section 48900.~~
- ~~(5) Possession of an explosive.~~

### **EXPULSION FROM TRACY UNIFIED SCHOOL DISTRICT**

#### **Authority to Expel**

The governing board may expel students for any of the reasons contained in Education Code 48900, except for Section 48900(k) and/or Section 48915. Such action, except for single acts of a serious nature, is usually reserved for application where there is a history of misconduct and where other forms of discipline, including suspension, have failed.

The Principal is required to recommend expulsion for more serious acts listed in Education Code 48915 (c) as follows: the following acts (Education Code 48915):

(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

- (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district. The act of possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.

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(2) Brandishing a knife at another person.

(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

(5) Possession of an explosive.

The Principal is also required to recommend expulsion for the following serious acts listed in Education Code 48915(a), unless he/she determines that, under the circumstances, the student should not be expelled or that an alternative means of correction would address the conduct:

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(a) (1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

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(A) Causing serious physical injury to another person, except in self-defense.

(B) Possession of any knife or other dangerous object of no reasonable use to the pupil.

(C) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:

(D) Robbery or extortion.

(E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

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(2) If the principal or the superintendent of schools makes a determination as described in paragraph (1), he or she is encouraged to do so as quickly as possible to ensure that the pupil does not lose instructional time.

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The Principal may recommend expulsion for violation of all other acts listed in Education Code Section 48900 and 48900.2, 48900.3, or 48900.4 based on the required additional findings as set forth in Education Code 48915(b) and (e) as follows:

(b) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil committed an act listed in paragraph (1) of subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel a pupil for any of those acts shall be based on a finding of one or both of the following:

(1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

(2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(e) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:

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

Section 48900 (k) may not constitute grounds for recommended the expulsion of students in Kindergarten through grade 12.

#### **District Disciplinary Review Board (DRB)**

Rather than conducting an expulsion hearing itself, the governing board may appoint an impartial hearing panel composed of three (3) or more certificated personnel of the district, none of whom shall be on the staff of the school in which the student is enrolled. Tracy Unified School District has elected to establish the District Disciplinary Review Board to serve as a hearing panel on expulsion referrals and to serve as a review board on requests for reinstatement.

#### **Procedures for Expulsion**

Expulsion Recommendation by Principal/Assistant Principal:

When the principal or the assistant principal determines that a student should be recommended for expulsion, the student will be suspended utilizing the regular suspension procedures. The principal or the assistant principal will then prepare a report of the case to include:

- a. The student's academic/attendance records;
- b. A chronological account of the development of the case and a statement of the conduct which led to the decision to recommend expulsion;
- c. A description of actions taken by the school to correct the student's previous misbehavior when the expulsion recommendation is based on violation of subdivision (f), (g), (h), or (k) of Section 48900;
- d. Any record of contacts with other agencies and the results of such contacts.

#### **Pre-Expulsion Meeting**

The student and the student's parent or guardian will be given an opportunity to meet with the superintendent or the superintendent's designee prior to the expulsion hearing to discuss the facts and charges upon which the recommended expulsion is based and review required expulsion procedures and due process regulations.

The superintendent or the superintendent's designee may also extend the suspension until the governing board has made a decision regarding the recommended expulsion if he/she determines that the presence of the student at school would cause a danger to persons or property or a threat of disrupting the instructional process.

#### **Written Notice of Hearing**

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The student and the student's parent or guardian shall be entitled to a hearing before the District Disciplinary Review Board to determine whether the student should be expelled.

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Written notice of the hearing shall be forwarded by certified mail to the student at least ten (10) calendar days prior to the date of the hearing. The notice shall include:

1. The date, time and place of the hearing;
2. A statement of the specific facts and charges upon which the proposed expulsion is based;
3. A copy of the disciplinary rules of the district and Student Conduct Code which relate to the alleged violation;
4. The opportunity of the student or the student's parent or guardian to:
  - a) Appear in person or to employ and be represented by counsel,
  - b) Inspect and obtain copies of all documents to be used at the hearing,
  - c) Confront and question all witnesses who testify at the hearing, and
  - d) Question all evidence presented, and present oral and documentary evidence on the student's behalf, including witnesses.

#### **Decision to Expel**

If the District Disciplinary Review Board decides not to recommend expulsion, the expulsion proceedings shall be terminated and the student shall be immediately permitted to return to school. The decision not to recommend expulsion shall be final.

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If the District Disciplinary Review Board recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the governing board. If the governing board accepts the recommendation for expulsion, acceptance shall be based either upon a review of the findings of facts and recommendations, or upon the results of any supplementary hearing that the governing board may order.

The decision of the governing board to expel a student shall be based upon substantial evidence relevant to the charges given at the expulsion hearing or hearings. The final action to expel a student shall be taken only by the governing board in a public session.

#### **Appealing an Expulsion Action**

If a student is expelled from school, the student or the student's parent or guardian may file an appeal with the County Board of Education within thirty (30) days of the board's decision to expel.

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*Health*

## HEALTH

### Health Examinations (BP 5141.3)

To determine the health status of students, facilitate the removal of handicaps to learning, and determine whether special adaptations of the school program may be necessary, the District requires that periodic examinations be conducted which include tests for vision, and hearing. All personnel employed to examine students shall exercise proper care of each student being examined and shall ensure that the examination results are kept confidential.

The principal of each school shall notify parents/guardians of the rights of students and parents/guardians relating to health examination.

A parent/guardian may annually file a statement with the principal withholding consent to any physical examination of his/her child. The child shall be exempt, but shall be subject to exclusion due to a suspected contagious or infectious disease.

### Vision and Hearing

Students must have their vision and hearing tested by qualified personnel authorized by the district upon first enrollment in elementary school. Further examination will take place every three years until the student has completed 8th grade. (screenings will be done in grades K, 2, 5 & 8.)

The results of the vision and hearing exam will be entered into the student's health record. All students shall be tested for visual acuity and hearing. Color vision will be tested once and only in male students. External observations of the student's eyes, visual performance and perception will be done by the school nurse and the classroom teacher.

Visual and hearing defects will be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The written report will not include a referral to any private practitioner. The student may be referred to a public clinic, or diagnostic and treatment center operated by a public hospital or by the state, or county department of public health.

### Interscholastic Athletic Competition ~~(DOES THIS APPLY TO MIDDLE SCHOOL?)~~

All students who participate as cheerleaders, song leaders, or athletes in interscholastic sports are required to file a current medical examination. Compliance with the medical examination requirement is not necessary for participants in a play day or a field day activity occurring occasionally during a school year in which students of one or more particular grade levels from two or more schools in the district participate in athletic contests.

If a student sustains an injury or serious illness, the student may be required by school personnel to have another examination prior to further interscholastic competition.

A student who has been excused from the physical education program because of a medical reason may not participate in any interscholastic athletic competition.

All students engaging in interscholastic athletic competition are required to meet accident insurance requirements prescribed by law.

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#### Child Health and Disability Prevention Program

When parents/guardians enroll their children in kindergarten, the district shall inform them about their obligation to obtain or waive a health screening for their children before they enter first grade. The district shall also inform them about the availability of free health screening for low-income children, as provided under the Child Health and Disability Prevention Program, and about the evaluation services and other benefits provided under Division 106, Part 2, Chapter 3, Article 6 of the Health and Safety Code. The district encourages parents/guardians to arrange for their children to obtain their health screening prior to or during their kindergarten year.

#### Oral Health Assessment for Grades K-1

California Law requires students to have had an oral health assessment (dental check-up) in either Kindergarten or first grade, whichever is his/her first year in public school. Assessments within the 12 months before a child enters school will meet this requirement. The assessment must be done by a licensed dentist or other licensed or registered dental health professional. (Education Code 49452.8)

#### Immunizations

All students registering for Kindergarten must have up to date immunization records. Students enrolling for the first time in a district elementary or secondary school, preschool, or child care program must present an immunization record from any authorized private or public health care provider certifying that he/she has received all required immunizations in accordance with law. Upon registration, parents/guardians are provided a written notification summarizing the state immunization requirements. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

Effective July 1, 2019, California state regulations immunization requirements for students entering TK/Kinder, 7<sup>th</sup> grade advancement and TKJ/Kinder-12<sup>th</sup> grade new admission or transfers in public and private schools. Starting in the 2019-2020 school year, the regulations require, but are not limited to:

- Two (rather than 1) doses of chickenpox (varicella) vaccine at TK/Kinder entry, 7<sup>th</sup> grade advancement and TK/Kinder through 12<sup>th</sup> grade new admissions or transfers
- Two MMR doses and 3 Hepatitis B vaccine doses at admission or transfer throughout TK/K-12 (age restrictions are removed)
- Medical exemptions for new admissions may be signed only by a California-licensed medical doctor (MD) or doctor of osteopathic medicine (DO)
- Temporary medical exemptions may be issued for no more than 12 months.

For questions, please call your primary care physician today or the San Joaquin County Public Health Services Immunization Program at (209) 468-3481.

#### Immunization for Pertussis

All students entering 7<sup>th</sup> through 12<sup>th</sup> grades in the coming school year must have proof of a Tdap booster shot. Documentation must state the shot was given on or after their 7<sup>th</sup> birthday. This means that ALL current 6<sup>th</sup>-11<sup>th</sup> graders must get up to date now.

Schools will turn away students who do not have up to date pertussis immunizations.

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All students entering 7<sup>th</sup> grade in the coming school year must have proof of a Tdap booster shot. Documentation must state the shot was given on or after their 7<sup>th</sup> birthday. **This means that ALL current 6<sup>th</sup> graders must get up to date before entering 7<sup>th</sup> grade.**

Remember to ask your physician about other vaccines your child may need, and bring your child's yellow immunization card to the visit. Please return a copy of ALL up to date immunizations to your child's school.

For questions, please call your primary physician today or call the San Joaquin County Public Health Services Immunization Program at (209) 468-3481.

**No students will be allowed to attend school, without up to date immunizations.**

#### **Regional Immunization Data Exchange (RIDE)**

The District is an authorized user of RIDE. RIDE is a computer-based program that helps the District to keep track of your child's shots and contacts you when shots are due.

The information in RIDE is confidential. Your information will only be shared with authorized users such as (a) Doctor, clinic, or hospitals (b) School or Day Care centers (c) WIC (d) Health Care Plans (e) California Department of Public Health Immunization Branch.

As the parent/legal guardian of your child, you do have the right to refuse to participate in this program. For more information please call your healthcare provider.

RIDE Immunization Registry is a program of San Joaquin County Public Health Services at (209) 468-2292 or [www.izride.com](http://www.izride.com)

#### **Administration of Medications (BP/AR 5141.21)**

Any student who is required to take medication (prescribed or non-prescribed) during the school day may be assisted by the school nurse or other designated school personnel if the district receives a written statement from the student's doctor detailing the method, amount and time schedules by which such medication is to be taken, and a written statement of your desire that your child be so assisted by school personnel on the approved district form available in doctors' offices and at the school sites. (BP/AR 5141.21)

#### **Epilepsy Medication**

A parent or guardian of a pupil with epilepsy who has been prescribed an emergency antiseizure medication by the pupil's health care provider may request the pupil's school to have one or more of its employees receive voluntary training, as specified, in order to administer the antiseizure medication, as defined, in the event that the pupil suffers a seizure when a nurse is not available.

#### **Anaphylaxis Treatment**

California Education Code 49414 authorizes school districts to provide epinephrine auto-injectors (epi-pens) trained personnel to provide emergency medical aid to persons suffering from an anaphylactic reaction.

Anaphylaxis is a rapid, severe allergic response triggered by insect stings, foods, medications, latex materials, exercise, or, in rare cases, by unknown causes. This is a life-threatening allergic condition requiring immediate treatment. Administering an epinephrine to students during a medical emergency may help to ensure the student's health and safety at school. Therefore, Tracy Unified School District has adopted AR 5141.21 and BP

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5141.21 for standing orders to provide life-saving epinephrine to students who are in need of such treatment effective January 1, 2015.

AR 5141.21 and BP 5141.21 state that a credentialed, licensed school nurse (District Nurse), licensed nurse (LVN), or trained, unlicensed school staff under direct supervision of the credentialed school nurse may administer epinephrine in the form of an epi-pen during a severe, life-threatening allergic reaction. The epi-pen rapidly delivers a pre-measured, sterile, single dose of epinephrine by direct injection through the skin.

### Medical Care Consent for Minors

A minor who is 12 years of age or older and who may have come into contact with an infectious, contagious, or communicable disease may consent to medical care related to the diagnosis or treatment, if the disease or condition is one that is required by law or regulation adopted pursuant to law to be reported to the local health officer, or is a related sexually transmitted disease, as may be determined by the State Public Health Officer.

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A minor who is 12 years or older may consent to medical care related to the prevention of a sexually transmitted disease. The minor's parents or guardian are not liable for payment for medical care provided pursuant. (Family Code Section 6926)

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### Type 2 Diabetes Information for 7<sup>th</sup> Grade Students

The District provides the following information for parents/guardians of Pursuant to California Education Code Section 49452.7, this type 2 diabetes information is for local educational agencies to provide to parents and guardians of incoming seventh grade students. (Education Code 49452.7) beginning July 1, 2010.

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The California Department of Education developed this type 2 diabetes information in collaboration with the California Department of Public Health, American Diabetes Association, California School Nurses Organization, and Children's Hospital of Orange County. Also see available translations of this information.

Type 2 diabetes is the most common form of diabetes in adults.

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Until a few years ago, type 2 diabetes was rare in children, but it is becoming more common, especially for overweight teens.

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According to the U.S. Centers for Disease Control and Prevention (CDC), one in three American children born after 2000 will develop type 2 diabetes in their lifetime.

Type 2 diabetes affects the way the body is able to use sugar (glucose) for energy.

The body turns the carbohydrates in food into glucose, the basic fuel for the body's cells. The pancreas makes insulin, a hormone that moves glucose from the blood to the cells. In type 2 diabetes, the body's cells resist the effects of insulin, and blood glucose levels rise. Over time, glucose reaches dangerously high levels in the blood, which is called hyperglycemia. Hyperglycemia can lead to health problems like heart disease, blindness, and kidney failure.

### Risk Factors Associated with Type 2 Diabetes

*It is recommended that students displaying or possibly experiencing the risk factors and warning signs associated with type 2 diabetes be screened (tested) for the disease.*

### Risk Factors

Researchers do not completely understand why some people develop type 2 diabetes and others do not; however, the following risk factors are associated with an increased risk of type 2 diabetes in children:

Being overweight. The single greatest risk factor for type 2 diabetes in children is excess weight. In the U.S., almost one out of every five children is overweight. The chances are more than double that an overweight child will develop diabetes.

Family history of diabetes. Many affected children and youth have at least one parent with diabetes or have a significant family history of the disease.

Inactivity. Being inactive further reduces the body's ability to respond to insulin.

Specific racial/ethnic groups. Native Americans, African Americans, Hispanics/Latinos, or Asian/Pacific Islanders are more prone than other ethnic groups to develop type 2 diabetes.

Puberty. Young people in puberty are more likely to develop Type 2 diabetes than younger children; this is probably because of the normal rises in hormone levels that can cause insulin resistance during this stage of rapid growth and development.

#### Warning Signs and Symptoms

Warning signs and symptoms of type 2 diabetes in children develop slowly, and initially there may be no symptoms. However, not everyone with insulin resistance of type 2 diabetes develops these warning signs, and not everyone who has these symptoms necessarily has type 2 diabetes.

- Increased hunger, even after eating
- Unexplained weight loss
- Increased thirst, dry mouth, and frequent urination
- Feeling very tired
- Blurred vision
- Slow healing of sores or cuts
- Dark velvety or rigid patches of skin, especially on the back of the neck or under the arms
- Irregular periods, no periods, and/or excess facial and body hair growth in girls
- High blood pressure or abnormal blood fat level

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#### Type 2 Diabetes Prevention Methods and Treatments

Healthy lifestyle choices can help prevent and treat type 2 diabetes. Even with a family history of diabetes, eating healthy foods in the correct amounts and exercising regularly can help children achieve or maintain a normal weight and normal blood glucose levels.

**Eat healthy foods.** Make wise food choices. Eat foods low in fat and calories.

**Get more physical activity.** Increase physical activity to at least 60 minutes every day.

**Take medication.** If diet and exercise are not enough to control the disease, it may be necessary to treat type 2 diabetes with medication.

The first step in treating type 2 diabetes is to visit a doctor. A doctor can determine if a child is overweight based on the child's age, weight, and height. A doctor can also request tests of a child's blood glucose to see if the child has diabetes or pre-diabetes (condition which may lead to type 2 diabetes).

#### Types of Diabetes Screening Tests That Are Available

**Glycated hemoglobin (A1C) test.** A blood test measures the average blood sugar level over two to three months. An A1C level of 6.5 percent or higher on two separate tests indicates diabetes.

**Random (non-fasting) blood sugar test.** A blood sample is taken at a random time. A random blood sugar level of 200 milligrams per deciliter (mg/dL) or higher suggests diabetes. This test must be confirmed with a fasting blood glucose test.

**Fasting blood sugar test.** A blood sample is taken after an overnight fast. A fasting blood sugar level less than 100 mg/dL is normal. A level of 100 to 125 mg/dL is considered pre-diabetes. A level of 126 mg/dL or higher on two separate tests indicates diabetes.

**Oral glucose tolerance test.** A test measuring the fasting blood sugar level after an overnight fast with periodic testing for the next several hours after drinking a sugary liquid. A reading of more than 200 mg/dL after two hours indicates diabetes.

Type 2 diabetes in children is a preventable/treatable disease and the guidance provided in this information sheet is intended to raise awareness about this disease. Contact your student's school nurse, school administrator, or health care provider if you have questions.

#### **Head Injury/Concussion/Cardiac Arrest (BP/AR 6145.2)**

~~EC 49475. (a) If a school district elects to offer an athletic program, the school district shall comply with both of the following: **DOES THIS APPLY TO MIDDLE SCHOOLS?**~~

~~District middle schools offer athletic programs that are not part of a physical education course and is held beyond the regular school day.~~

~~(1) An athlete who is suspected of sustaining a concussion or head injury in an athletic activity shall be immediately removed from the activity for the remainder of the day, and shall not be permitted to return to the activity until he or she is evaluated by a licensed health care provider, trained in the management of concussions, acting within the scope of his or her practice. The athlete shall not be permitted to return to the activity until he or she receives written clearance to return to the activity from that licensed health care provider. (Education Code 49475)~~

~~(2) On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the athlete and the athlete's parent or guardian before the athlete's initiating practice or competition.~~

~~(b) This section does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course required pursuant to subdivision (d) of Section 51220.~~

The district will also distribute the California Interscholastic Federation (CIF) information sheet on sudden cardiac arrest to all student athletes who will be participating in a CIF-governed athletic activity and to their parents/guardians. The student and parent/guardian shall sign and return the information sheet prior to the student's participation in the athletic activity. If an athletic activity is not covered by the CIF, the student and his/her parent/guardian shall, prior to participating in the athletic activity, sign and return an acknowledgement that they have received and reviewed the sudden cardiac arrest information posted on the California Department of Education's web site. (Education Code 33479.2, 33479.3)

#### **California Healthy Kids Survey**

The District will administer the California Healthy Kids Survey bi-annually to students in grades 5, 7, 9 and 11. In accordance with California Education Code 51937-51938, students in grade 5 must have

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an active parental consent in order to participate. For grades 7, 9, 11 and other secondary grade levels, the survey must be administered using a passive consent. The California Healthy Kids Survey is sponsored by the California Department of Education this school year. The anonymous survey will help promote better health and well-being among our youth, improve the school learning environment and combat problems such as drug abuse and violence by gathering information. Your adolescent does not have to take the survey as it is completely voluntary. If you do not want your adolescent to complete the survey, you must notify your adolescent's school in writing excusing them from the survey/evaluation.

#### **Suicide Awareness (BP/AR 5141.52)**

Each year, the Tracy Unified School District provides Suicide Prevention Awareness instruction to all 8th and 10th grade students. This instruction occurs during the National Suicide Prevention Awareness week, which is typically scheduled in September.

This is a voluntary awareness lesson for students that aims to help them to better identify the signs of suicidal risk. If you do not wish for your child to participate in this awareness campaign, please communicate this, in writing, and give it to your student's school front office.

#### **Sexual Health and HIV/AIDS Prevention (BP/AR 6142.1)**

The district provides comprehensive sexual health and HIV/AIDS prevention instruction which is aligned with state health standards and frameworks for students in grades 7-12. Parents/guardians will be notified annually about the sexual health and HIV/AIDS prevention instruction planned for the coming year. The notice advises parents/guardians that written and audiovisual educational materials to be used are available for preview prior to use with students. Prior to providing instruction in sexual health or HIV/AIDS prevention, the district will notify parents/guardians of the instruction and of the opportunity to request that their child not receive the instruction.

Parents/Guardians of students in grades 7-12 may request in writing that his/her child be excused from participating in HIV/AIDS prevention or sexual health education. Parents/Guardians of students in grades 5 and 6 will be notified and must give positive written consent for his/her child to participate in HIV/AIDS prevention and Adolescent Growth and Development instruction.

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Tracy Unified School District  
Middle School Fight Contract

Student's Name \_\_\_\_\_ DOB \_\_\_\_\_

School: \_\_\_\_\_ Grade \_\_\_\_\_ ID# \_\_\_\_\_ Parent's Primary Language \_\_\_\_\_

The student named on this Fight Contract recently engaged in a fight with another student while under the school's jurisdiction. The action of fighting is a violation of Education Code 48900 (a)(1) and/or (a)(2) and the Middle Schools' Student Conduct Code.

These rules regarding student conduct state:

When a student has been involved in one fight in any year of his/her Middle school career, the administration shall initiate significant interventions by REQUIRING parent and student to attend a meeting at school to review and sign a Fight Contract and refer the student to conflict management and/or a school counselor upon student's return to school from suspension. Additionally, a student suspended for fighting shall be placed on social probation for 15 school days.

Students, who are involved in two (2) fights in any academic year of Middle School and for whom a Fight Contract has been executed, shall be **possibly** recommended for expulsion unless the principal finds that expulsion is inappropriate due to the particular circumstances.

As the student named on this Fight Contract, I have been informed by the school's administration:

- That fighting is prohibited while on school grounds; while going to or coming from school; during the lunch period whether on or off the campus; and during, or while going to or coming from, a school-sponsored activity.
- That there are decisions I can make to avoid fighting, including, but not limited to, refusing to engage in verbal or non-verbal conduct that may lead to fighting; walking away from a situation; going to an administrator, counselor, or other school official for assistance; refusing to go to a fight/conflict and refusing to associated with students who engage in verbally or physically aggressive behavior toward others.
- That if I am involved in another fight this school year, I will be recommended for expulsion.

Student's Signature \_\_\_\_\_ Date \_\_\_\_\_

As the parent/guardian of the student named on this Fight Contract, I have been informed by the school's administration that my child will be recommended for expulsion if he/she is involved in another fight this school year. I also agree to discuss with my child the importance of following all school rules and treating others with respect.

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▲ Parent's Signature \_\_\_\_\_ Date \_\_\_\_\_

As a District interpreter, I explained this Fight Contract to the parent in his/her primary language.

District/Site interpreter's Signature \_\_\_\_\_ Date \_\_\_\_\_

As the Administrator implementing this Fight Contract, I have reviewed its contents with this student and his/her parent/guardian.

Administrator's Signature \_\_\_\_\_ Date \_\_\_\_\_

Note: Parent refused to sign this contract. \_\_\_\_\_ / \_\_\_\_\_

Administrator's Signature

Witness

Note: Student refused to sign this contract. \_\_\_\_\_ / \_\_\_\_\_

Administrator's Signature

Witness

▲ THIS CONTRACT IS IN EFFECT REGARDLESS OF THE PARENT OR STUDENT REFUSING TO SIGN.

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## TRACY UNIFIED SCHOOL DISTRICT ACCEPTABLE USE AGREEMENT (AUA) NETWORK AND COMPUTER RELATED RESOURCES

(Based on BP/AR 4040 and BP/AR 6163.4)

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In exchange for the use of the Tracy Unified School District (“district”) district technology, including, computer systems, and data communication networks, either locally attached or through remote connection on or near school property, in school vehicles and buses, and at school-sponsored activities, the following Acceptable Use Agreement will apply. This is a legally binding agreement when signed. **Please read this document carefully.**

Each student who is authorized to use district technology and his/her parent/guardian shall sign this Acceptable Use Agreement as an indication that they have read and understand the agreement. The guardian/parent must sign when the user is under 18 years of age. The district authorizes students to use technology owned or otherwise provided by the district as necessary for instructional purposes. The use of district technology is a privilege permitted at the district’s discretion and is subject to the conditions and restrictions set forth in applicable district Board policies, administrative regulations, and this Acceptable Use Agreement. The district reserves the right to suspend access at any time, without notice, for any reason. The district expects all students to use district technology responsibly and appropriately consistent with district Board policies and regulations, California Education Code, and other local, state and federal laws and regulations governing the applicable matter in order to avoid potential problems and liability.

### **Definitions**

*District technology* includes, but is not limited to, computers, the district’s computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

### **Student Obligations and Responsibilities**

The district’s network/computer system (“district system”) is shared and available to all registered users. The district system may not be used in a way as to disrupt or interfere with its use by others.

Students are expected to use district technology safely, responsibly, and for educational purposes only. Student users will **ONLY** use authorized accounts they have been personally issued. The student in whose name district technology is issued is responsible for its proper use at all times. All student users must keep their account passwords confidential. Students shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned.

Students are prohibited from using district technology for improper purposes, including, but not limited to, use of district technology to:

1. Access, post, submit, publish, display, or otherwise use harmful or inappropriate material that is discriminatory, libelous, defamatory, obscene, sexually explicit, disruptive, harassing, or that could be

construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, gender identify, gender expression, sexual orientation, age, disability, religion, or political beliefs

2. Bully/cyberbully, harass, intimidate, or threaten other students, staff, or other individuals
3. Disclose, use, or disseminate personal identification information (such as name, address, telephone number, Social Security number, or other personal information) of yourself, or another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person
4. Infringe on copyright, license, trademark, patent, or other intellectual property rights
5. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment, placing a virus on district computers, adding or removing a computer program without permission from a teacher or other district personnel, changing settings on shared computers)
6. "Hack" into the district system to manipulate data of the district or other users
7. Steal services, including connection of unauthorized network/computer equipment to the system
8. Install non-approved software/programs, and/or the download and install software/programs on district computers and/or network communication systems
9. Use district technology to communicate unlawful information or to transmit computer viruses.
10. Use of the district system for anonymous access or communication of information
11. To send "junk", "mass", or "spam" email
12. Engage in other conduct deemed objectionable by the Tracy Unified School District
13. Engage in or promote any practice that is unethical or violates any classroom rules, school conduct code, or any law or Board policy, administrative regulation, or district practice, including any communication advocating, encouraging or supporting illegal activities.
14. Access, delete, move, or alter anyone else's files and/or data.
15. Communicate using inappropriate language, including swearing and use of vulgarities.

### **Privacy**

Since the use of district technology is intended for educational purposes, students shall not have any expectation of privacy in any use of district technology.

The district reserves the right to monitor and record all use of district technology, including, but not limited to, computer files, access to the Internet or social media, email, text messages, instant messaging, and other electronic communications sent or received from district technology, or through the use of district technology. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Students should be aware that, in most instances, their use of district technology (such as web searches and emails) cannot be erased or deleted.

All passwords created for or used on any district technology are the sole property of the district. The creation or use of a password by a student on district technology does not create a reasonable expectation of privacy.

### **Personally Owned Devices**

If a student uses a personally owned device to access district technology, he/she shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Agreement. Access to district technology from personal technology is limited to wireless access points on the school campuses. Access to the district technology from personal technology is not available via hardwire connections. The district assumes no liability for personally owned devices, including computers and smart phones, if such devices are damaged, lost, or stolen. The student and parent/guardian, shall indemnify and hold the district harmless from any losses sustained as the result of use or misuse of the district's technology by the student, and/or the loss or damage of personally owned devices.

### **Reporting**

If a student becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of district technology, he/she shall immediately report such information to the teacher or other district personnel.

### **Consequences for Violation**

Violations of the law, district Board policies and regulations governing the use of district technology, or this Acceptable Use Agreement may result in revocation of a student's access to district technology and/or discipline, up to and including suspension or expulsion. In addition, violations of the law, Board policy/regulation, or this Acceptable Use Agreement may be reported to law enforcement agencies as appropriate.

**TRACY UNIFIED SCHOOL DISTRICT ACCEPTABLE USE AGREEMENT (AUA)**  
**NETWORK AND COMPUTER RELATED RESOURCES**  
(BP/AR 6163.4)

The Tracy Unified School District computer system is intended for the exclusive use of its registered users who are responsible for their password and their accounts. Any problems, which arise from the use of the account, are the responsibility of the account holder. Any misuse of the account or system will result in disciplinary action and/or the suspension or cancellation of privileges. Use of the account by someone other than the registered user will be grounds for cancellation and/or may result in disciplinary action. Students shall report any misuse of district technology to their teacher or principal.

The district shall not be held responsible for any damages suffered by the user of district technology, including those arising from non-deliveries, mis-deliveries, service interruptions, unauthorized use, loss of data and exposure to potentially harmful or inappropriate material sustained or incurred in connection with the use, operation, or inability to use district technology. The district specifically denies any responsibility for the accuracy or quality of information obtained electronically.

**The following two sections are for students and their parents and REQUIRE SIGNATURES.**

**STUDENT AGREEMENT**

I have received, read, understand, and agree to abide by this **ACCEPTABLE USE AGREEMENT** and other applicable laws and district policies and regulations governing the use of district technology. I understand that there is no expectation of privacy when using district technology. I accept responsibility for the appropriate use of district technology and further understand that any violation may result in loss of user privileges, disciplinary action, and/or appropriate legal action.

\_\_\_\_\_  
Student (PRINT NAME)

\_\_\_\_\_  
Student ID #

\_\_\_\_\_  
School Site

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**If the student is under 18 years of age, a parent/guardian must also read and sign the Agreement.**

**PARENT/GUARDIAN AGREEMENT**

As a parent/guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of this **ACCEPTABLE USE AGREEMENT**. By signing this Agreement, I give permission for my child to use district technology and/or to access the school's computer network and the Internet. I understand that, despite the district's best efforts, it is impossible for the district/school to restrict access to all offensive and controversial materials. I agree to release from liability, indemnify, and hold harmless the school, district, and district personnel against all claims, damages, and costs that may result from my child's use of district technology or the failure of any technology protection measures used by the district. Further, I accept full responsibility for supervision of my child's use of his/her access account if and when such access is not in the school setting.

\_\_\_\_\_  
Parent/Guardian (PRINT NAME)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



OFFICIAL TRANSCRIPT REQUEST FORM FOR CURRENT STUDENT

TRACY UNIFIED SCHOOL  
DISTRICT  
1875 W Lowell Avenue  
Tracy, CA 95376

Turnaround time is 2-4 Days.

1. Name			2. Date of Birth	3. Student ID Number
Last	First	Middle		

4. Send Transcript To

5. Type of Records Requesting ( Indicate Quantity & Total Cost)

Name of Institution:	Transcript Type	Fee	Quantity	=	Cost
Attention:	Official High School Transcript	\$ 3.00		=	\$
Number and Street:					
City: State: Zip Code:	Special Services- Fees are in addition to cost of the transcript				Cost
Name of Institution:	Same Day Service	\$ 10.00		=	\$
Attention:	Faxing of Documents	\$ 5.00		=	\$
Number and Street:					
City: State: Zip Code:	Total Fees Enclosed				\$

NO PERSONAL CHECKS ACCEPTED • FEES ARE PAYABLE BY CASH OR MONEY ORDER

6. Authorization for Release

The signature below verifies that I have completed all sections accurately and enclosed the correct fee. I understand that the fees are nonrefundable. I also understand that this application will not be processed if it is incomplete.

Signature	Date	For requests being picked up by student Initial: Date
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## *Board Policies*

## *Board Policies*

## UNIFORM COMPLAINT PROCEDURES

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

### **Complaints Subject to the UCP**

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing the programs listed below and any other district-implemented program which is listed in Education Code 64000(a) (5 CCR 4610)

All programs and activities that are subject to the UCP:

- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education; Career Technical; Technical Training
- Career Technical Education
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods without Education Content
- Economic Impact Aid
- Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, and Children of Military Families
- English Learner Programs
- Every Student Succeeds Act/No Child Left Behind (Titles I-VII)
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Safety Plans
- Special Education
- State Preschool
- Tobacco-Use Prevention Education

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student or a child of a military family as defined in Education Code 49701 who transfers into the district after his/her second year of high school alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)

10. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

11. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no

adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

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

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

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

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.

#### **Non-UCP Complaints**

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment.

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

Legal Reference:

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination

222 Reasonable accommodations; lactating students

8200-8498 Child care and development programs

8500-8538 Adult basic education  
18100-18203 School libraries  
32280-32289 School safety plan, uniform complaint procedures  
33380-33384 California Indian Education Center  
35186 Williams uniform complaint procedures  
44500-44508 California Peer Assistance and Review Program for Teachers  
48853-48853.5 Foster youth  
48985 Notices in language other than English  
49010-49013 Student fees  
49060-49079 Student records  
49069.5 Rights of parents  
49490-49590 Child nutrition programs  
49701 Interstate Compact on Educational Opportunity for Military Children  
51210 Courses of study grades 1-6  
51223 Physical education, elementary schools  
51225.1-51225.2 Foster youth, homeless children, and former juvenile court school students; and  
military-connected students; course credits; graduation requirements  
51226-51226.1 Career technical education  
51228.1-51228.3 Course periods without educational content  
52060-52077 Local control and accountability plan, especially:  
52075 Complaint for lack of compliance with local control and accountability plan requirements  
52160-52178 Bilingual education programs  
52300-52490 Career technical education  
52500-52616.24 Adult schools  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56867 Special education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process

#### GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state  
12900-12996 Fair Employment and Housing Act

#### HEALTH AND SAFETY CODE

104420 Tobacco-Use Prevention Education

#### PENAL CODE

422.55 Hate crime; definition  
422.6 Interference with constitutional right or privilege

#### CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

#### CODE OF REGULATIONS, TITLE 5

3080 Application of section  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act  
1681-1688 Title IX of the Education Amendments of 1972  
6301-6577 Title I basic programs  
6801-7014 Title III language instruction for limited English proficient and immigrant students  
7101-7184 Safe and Drug-Free Schools and Communities Act  
7201-7283g Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs  
12101-12213 Title II equal opportunity for individuals with disabilities  
UNITED STATES CODE, TITLE 29  
794 Section 504 of Rehabilitation Act of 1973  
UNITED STATES CODE, TITLE 42  
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28  
35.107 Nondiscrimination on basis of disability; complaints  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy Act  
100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
CODE OF FEDERAL REGULATIONS, TITLE 34  
106.8 Designation of responsible employee for Title IX  
106.9 Notification of nondiscrimination on basis of sex  
110.25 Notification of nondiscrimination on the basis of age

#### Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
Sample UCP Board Policies and Procedures

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
Dear Colleague Letter: Title IX Coordinators, April 2015  
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013  
Dear Colleague Letter: Harassment and Bullying, October 2010  
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS  
Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

#### WEB SITES

CSBA: <http://www.csba.org/>  
California Department of Education: <http://www.cde.ca.gov/>  
Family Policy Compliance Office: <http://familypolicy.ed.gov/>  
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>  
U.S. Department of Justice: <http://www.justice.gov/>



UNIFORM COMPLAINT PROCEDURES

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(Complaints Concerning District Employees)

(Complaints Concerning Instructional Materials)

(Williams Uniform Complaint Procedures)

(Nondiscrimination in Employment)

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(Nondiscrimination/Harassment)

(Sexual Harassment)

Director of Student Services and Curriculum (209) 830-3280

Or Director of Curriculum, Accountability and Continuous Improvement (209) 830-3275

Associate Superintendent for Education Services (209) 830-3202

1875 W. Lowell Avenue, Tracy, CA 95376

[rpecot@tusd.net](mailto:rpecot@tusd.net)

[tsalinas@tusd.net](mailto:tsalinas@tusd.net)

[sharrison@tusd.net](mailto:sharrison@tusd.net)

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

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

The Superintendent or designee shall ensure that employees assigned to investigate and resolve

Field Code Changed

Field Code Changed

complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(Staff Development)

(Attorney)

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

### **Notifications**

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

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth, homeless students, and former juvenile court school students to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(School Plans/Site Councils)

(Local Control and Accountability Plan)

(Citizen Advisory Committees)

(Fees and Charges)

(Employee Notifications)

(Parental Notifications)

(Education for Homeless Children)

(Education for Foster Youth)

(Education for Juvenile Court School Students)

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

(District and School Web Sites)

(District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including

students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints

2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable

3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).

4. Include statements that:

a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.

b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.

c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the

facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.

e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has

occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.

i. A foster youth, homeless student, or former juvenile court school student who transfers into a district high school or between district high schools as applicable shall be notified of the district's responsibility to:

(1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed

(2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

(3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

j. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.

k. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

l. Copies of the district's UCP are available free of charge.

#### District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the

district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

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

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

### **Filing of Complaints**

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing (Please see attached Uniform Complaint Procedures form, which can also be found on the District Website) and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

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

1. A complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from

the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

### **Mediation**

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

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

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

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

### **Investigation of Complaint**

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

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or

his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

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

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

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

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

#### Report of Findings

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board

may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent also shall be sent the district's decision and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

### **Final Written Decision**

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

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

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

- a. Statements made by any witnesses
- b. The relative credibility of the individuals involved
- c. How the complaining individual reacted to the incident
- d. Any documentary or other evidence relating to the alleged conduct
- e. Past instances of similar conduct by any alleged offenders
- f. Past false allegations made by the complainant

2. The conclusion(s) of law



3. Disposition of the complaint

4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)
- d. The number of persons engaged in the conduct and at whom the conduct was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different individuals

5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
- b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
- c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence

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

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

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

- 1. He/she may pursue available civil law remedies outside of the district's complaint

procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)

2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)

3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

#### Corrective Actions

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

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

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

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference

3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

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

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

If a public school or LEA finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), the public school or LEA shall provide a remedy.

In the case of complaints regarding: Course Periods without Educational content, Reasonable Accommodations to a Lactating Pupil, and Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, the remedy shall go to the affected pupil.

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

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

A complainant may appeal an LEA's Decision of a UCP complaint regarding all specified federal and state educational programs subject to the UCP.

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with the CDE.

The complainant or respondent shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant or respondent has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

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## **BULLYING PREVENTION POLICY**

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

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

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

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

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

### **Bullying Prevention**

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote 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 engaging in bullying.

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

Such instruction shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

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 an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

### **Reporting and Filing of Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying

involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.

When the circumstances involve cyber-bullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

### **Investigation and Resolution of Complaints**

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3.

If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

### **Discipline**

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

### **Legal Reference:**

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

## PENAL CODE

422.55 Definition of hate crime  
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

## CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

## UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

## CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

## CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

## COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

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

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

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

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

Cyber bullying: Policy Considerations for Boards, Policy Brief, July 2007

## CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California's Social and Emotional Learning: Guiding Principles, 2018

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

## CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

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



Guidance to Schools: Bullying of Students with Disabilities, October 2014  
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013  
Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010  
Dear Colleague Letter: Harassment and Bullying, October 2010

#### WEB SITES

CSBA: <http://www.csba.org>  
California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>  
California Office of the Attorney General: <http://oag.ca.gov>  
Center on Great Teachers and Leaders: <http://gtlcenter.org>  
Collaborative for Academic Social and Emotional Learning: <http://casel.org>  
Common Sense Media: <http://www.commonsensemedia.org>  
National School Safety Center: <http://www.schoolsafety.us>  
Partnership for Children and Youth: <http://www.partnerforchildren.org>  
U.S. Department of Education: <http://www.ed.gov>

**Bullying Investigation Procedures**

**Bullying Investigation Procedures**

**A. Purpose and Scope**

To provide guidance and direction for all District employees regarding Bullying / Harassment, including cyberspace and tech bullying.

**B. Definition**

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Education Code 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupil's person or property.
2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable pupil to experience substantial interference with his or her academic performance.
4. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

"Electronic act" means the transmission, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

- (i) A message, text, sound, or image.
- (ii) A post on a social network Internet Web site, including, but not limited to:

Adopted 02.12.13

**Bullying Investigation Procedures**

- (I) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).
- (II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
- (III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

(3) “Reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

When bullying acts or conduct are based on the actual or perceived characteristics of gender, gender identity, gender expression or sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics, staff members should address and refer complaints about such acts for consideration and investigation under the District’s Sexual Harassment Policy (BP 5145.7).

When bullying acts or conduct are based on the actual or perceived characteristics of disability, nationality, race or ethnicity or religion or association with a person or group with one or more of these actual or perceived characteristics, staff members should address such acts and refer complaints about such acts for consideration and investigation under the District’s Nondiscrimination/ Harassment Policy (BP 5145.3).

**C. Forms Used and Additional References**

Bullying /Harassment Claim Interview Sheet

Bullying /Harassment (Informal versus Formal Complaint –Summary of Procedures)

Adopted 02.12.13

**Bullying Investigation Procedures****D. Procedures**

The Tracy Unified School District expects students and/or staff to immediately report incidents of Bullying / Harassment to the principal or designee. Staff members are expected to immediately intervene when they see a bullying incident occur. Each complaint of Bullying / Harassment shall be promptly investigated. This policy applies to students whose behavior is related to school activity, students on school grounds, while traveling to and from school or a school- sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity.

**General Procedures - Students**

Any student who feels he or she is being bullied or harassed should immediately report such conduct to his or her teacher, the principal, or any other school administrator, without fear of reprisal. The student need not first report the Bullying/Harassment to his or her teacher, especially if the student believes the teacher engaged in or knowingly tolerated any Bullying/Harassment of the student. The student may make this report alone or with his or her parent/guardian.

An employee who receives a report of Bullying/Harassment of a student or who witnesses the Bullying/Harassment of a student shall immediately report the incident first to the site administrator or site designee then to the Assistant Superintendent for Educational Services and Human Resources (if alleged Bullying/Harassment is by an employee). Administrators, upon receiving a report of Bullying/Harassment from a student, shall provide the student with a copy of the Bullying/Harassment policy as well as the Administrative Regulation which contains procedures for filing complaints regarding Bullying/Harassment, parents/guardians of the student (victim) shall be contacted.

Each complaint of Bullying / Harassment shall be promptly investigated in a way that attempts to respect the privacy of all parties concerned. If the student requests that his or her name not be disclosed to the alleged harasser, an informal investigation of the allegations shall be conducted to the extent possible without disclosing the complainant's name. In order to file a formal complaint of Bullying/Harassment, the student must be willing to disclose his or her name to the alleged harasser. Parent or legal guardian shall be informed of the investigation.

**General Procedures - Any Other Persons**

Any person who alleges Bullying / Harassment by any employee or student in the District may file a complaint under the complaint procedures contained in Administrative Regulation 4119.11; 4219.11; and 5145.7.

Adopted 02.12.13

**Bullying Investigation Procedures**

**E. Formal Complaint Procedures**

The Board designates the following compliance officers to receive and investigate complaints and ensure compliance with law:

Superintendent or designee

830-3200 ext. 1004, or [e-mail: jfranco@tusd.net](mailto:jfranco@tusd.net) [bstephens@tusd.net](mailto:bstephens@tusd.net)

Field Code Changed

Assistant Superintendent of Educational Services and Human Resources

830-3260 ext. 1304, or [e-mail: sjharrison@tusd.net](mailto:sjharrison@tusd.net)

Director of Student Services and Curriculum

830-3280 ~~ext. 1601, or e-mail: phall@tusd.net~~ [pecot@tusd.net](mailto:pecot@tusd.net)

Principal or site designee please calls site number, for e-mail please see

site: <https://www.tracy.k12.ca.us/Pages/MainHomePage.aspx>

All complaints can be mailed to: Tracy Unified School District, 1875 W. Lowell Ave. Tracy, and CA. 95376

It is desirable that complaints of Bullying / Harassment be resolved in a prompt and appropriate manner. If possible, such complaints should be resolved in an informal manner. If the complaint cannot be resolved informally, the following procedures shall be followed for filing a formal complaint of Bullying / Harassment.

Adopted 02.12.13

### **Bullying Investigation Procedures**

#### **Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged Bullying/Harassment.

The complaint shall be presented to the Superintendent or designee, who will then give it to the appropriate compliance officer.

The Superintendent or designee will maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints of Bullying / Harassment must be initiated, in writing within sixty (60) calendar days of the date the alleged violation occurred.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, superintendent or designee shall help him/her to file the complaint.

#### **Step 2: Investigation of Complaint**

Within sixty (60) school days of receiving the complaint, excluding summer session, when the alleged violation occurred during the regular school year, the Superintendent or designee shall complete the investigation of the complaint. This time period may be extended by written agreement of the complainant.

#### **Step 3: Response**

Within sixty (60) days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the District's investigation and decision, as described in Step 4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within fifteen (15) calendar days, file his/her complaint, in writing, with the Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting.

The Board may decide not to hear the complaint, in which case the compliance officer's decision is final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within seven (7) calendar days or within the time period that has been specified in a written agreement with the complainant.

Adopted 02.12.13

### **Bullying Investigation Procedures**

#### **Step 4: Final Written Decision**

The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District will arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

- \* The findings and disposition of the complaint.

- \* Notice of the complainant's right to appeal the decision to the Tracy Unified School District Board of Trustees and procedures to be followed for initiating such an appeal.

If an employee or student is disciplined as a result of the complaint, this report shall simply state that appropriate action was taken and that the employee or student was informed of the District's Bullying Policy. The report shall not give any further information as to the nature of the corrective or disciplinary action. However, when a student is expelled as a result of a substantiated charge of bullying, the expulsion record shall be a non-privileged, disclose-able public record.

The Tracy Unified School District board decision is the final decision.

#### **F. Corrective Action**

A substantiated complaint of Bullying / Harassment may subject the offending employee or student to corrective action, up to and including suspension and discharge/expulsion. Such corrective action shall be consistent with the California Education Code and any collective bargaining agreement or student discipline code, if applicable.

In the event of harassment by an individual who is not an employee or student of the District, the District will take whatever legal corrective action is reasonable and appropriate under the circumstances.

Even if the reported conduct is not considered Bullying / Harassment under this policy, it may be in violation of other rules and standards of conduct of the District. The District may discipline an employee or student for any inappropriate conduct discovered in investigating reports made

Adopted 02.12.13

**Bullying Investigation Procedures**

Under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of this policy. Supervisors may be held personally liable under the law for acts of harassment.

**G. Retaliation and Confidentiality**

The District forbids retaliation against anyone for reporting Bullying / Harassment, filing a complaint pursuant to this policy, assisting in making a Bullying / Harassment complaint, or cooperating in a Bullying / Harassment investigation. Anyone experiencing or witnessing any conduct that believe to be retaliatory are to immediately follow the procedures outlined above. In an investigation and in imposing discipline, the District will attempt to preserve confidentiality to the extent the circumstances permit.

**H. Notification – Students and Parents**

A copy of the Bullying / Harassment Policy and Administrative Regulation shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the Bullying / Harassment Policy and the Administrative Regulation which contains the complaint procedures will be distributed to all students of the District at the beginning of the first trimester or semester of the school year, and to any new student at the time that the new student is enrolled. A copy of the Bullying / Harassment Policy and Administrative Regulation shall also appear in any publication of the District that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution

**Notification – Students**

A copy of the Bullying / Harassment Policy and Administrative Regulation shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the Bullying / Harassment Policy and Administrative Regulation which contain the complaint procedures will be sent to all students and parents or guardians upon enrollment and annually thereafter. A copy of the Bullying Policy and Administrative Regulation shall be provided as part of any orientation program conducted for new students at the beginning of each trimester, semester, or summer session, as applicable. Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of Bullying / Harassment.

Adopted 02.12.13



**Bullying Investigation Procedures**

Students may also file a separate claim of Bullying / Harassment with the Office of Civil Rights (OCR). The address and telephone number of the OCR is listed under the notifications section for employees.

I. Reports Required Investigation report regarding allegations of harassment.

J. Record Retention Student and Personnel file when appropriate.

K. Responsible Administrative Units Human Resources Student Services

L. Approved By

Assistant Superintendent of Educational Services and Human Resources

Director of Student Services & Curriculum

**UNAUTHORIZED GROUPS****TUSD Adopted: 6/9/98****TUSD Revised: 5/13/08****A. Purpose and Scope**

The Governing Board desires to give school sites and district guidelines that keep schools free from threats and harmful influence of any unauthorized group activity which advocate drug use, disruptive behavior, such as, but not limited to violence, intimidation, threats, coercion, congregating in mass.

**B. Prevention and Intervention Measures**

In order to discourage the influence of unauthorized groups, school staff shall take the following measures:

1. Any student displaying behavior, gestures, apparel or paraphernalia indicative of unauthorized group affiliation shall be referred to the principal or designee.
  - a. The student's parent/guardian shall be contacted and may be asked to meet with school staff.
  - b. The student may be sent home to change clothes if necessary.
2. Staff members shall be provided with the names of known unauthorized group members.
3. Students who seek help in rejecting unauthorized group associations may be referred to community-based unauthorized group suppression and prevention organizations.
4. Any unauthorized group graffiti on school premises shall be removed, washed down or painted over as soon as discovered.
  - a. Daily checks for graffiti shall be made throughout the campus.
  - b. Graffiti shall be photographed before it is removed. These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.
5. Classroom and after-school programs at each school shall be designed to enhance individual self esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities. These programs shall also:
  - a. Explain the dangers of unauthorized group membership
  - b. Provide counseling for targeted at-risk students

## **Students**

## **AR 5136**

### **UNAUTHORIZED GROUPS**

c. Include lessons or role-playing workshops in unauthorized group avoidance skills and nonviolent conflict resolution, including communication skills, anger management, ethnic/cultural tolerance, and mediation skills

d. Assign individual unauthorized group members to cooperative learning groups in which they may work toward common goals with students who are not members of their unauthorized group

e. Provide school-to-career instruction

f. Provide positive interaction with local law enforcement staff

Unauthorized group prevention lessons may be taught jointly by teachers and law enforcement staff.

6. Staff shall actively promote membership in authorized student organizations which can provide students companionship, safety, and a sense of purpose and belonging, including:

a. Positive sports and cultural activities and affiliations with the local community

b. Structured, goal-oriented community service projects Community Outreach  
Unauthorized group prevention classes or counseling offered for parents/guardians shall address the following topics:

1. The dangers of unauthorized group membership

2. Warning signs which may indicate that children are at risk of becoming involved with unauthorized groups

3. The nature of local unauthorized group apparel and graffiti

4. Effective parenting techniques

5. Conflict resolution techniques

C. Discipline Process

Staff will use the following techniques and procedures to discourage the influence of unauthorized groups:

1. Upon a first offense, when a student causes, attempts to cause or threatens to cause physical injury to another student as a part of any unauthorized group activity, the following shall result:

a. Parent/guardian contact.

b. A five (5) day suspension and recommendation for an expulsion for a minimum period of nine (9) weeks.

## Students

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### UNAUTHORIZED GROUPS

- c. A requirement that the student must apply for readmission to school after he/she has served the minimum expulsion period.
- d. A recommendation for a rehabilitation program that is subject to review at a time of application for readmission. The plan shall include, but is not limited to:
  - (i) Community Service minimum of 20 hours - maximum of 80 hours, to be recommended by the District Discipline Review Board based upon the seriousness of the violation of the Education Code.
  - (ii) A minimum of eight (8) weeks of counseling.
  - (iii) Prohibited from violating any of the sub-sections (a) through (q) contained in Education Code 48900 associated with school attendance.
  - (iv) Prohibited from participating in unauthorized group related activities, flying colors, or displaying unauthorized group paraphernalia.
- e. A recommendation for an extension of the suspension to the expulsion hearing date.
- f. Unauthorized Group Contract
- 2. Upon a first offense, when a student causes, attempts to cause physical injury to classified or certificated staff member as part of any unauthorized group activity, the following shall result:
  - a. Parent/guardian contact.
  - b. A five (5) day suspension and recommendation for an expulsion for a minimum period of the balance of the semester in which the violation occurred plus one additional semester.
  - c. A requirement that the student must apply for readmission to school after he/she has served the minimum expulsion period.
  - d. A recommendation for a rehabilitation program that is subject to review at the time of application for readmission. The plan shall include, but is not limited to:
    - (i) Community Service minimum of 20 hours - maximum of 80 hours, to be recommended by the District Discipline Review Board based upon the seriousness of the violation of the Education Code.
    - (ii) A minimum of eight (8) weeks of counseling.
    - (iii) Prohibited from violating any one of the sub-sections (a) through (q) contained in Education Code 48900 associated with school attendance.
    - (iv) Unauthorized Group Contract and Law Enforcement Contact.

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### UNAUTHORIZED GROUPS

- e. Contact with law enforcement agency.
3. Upon a first offense, when a student wears or carries any apparel, jewelry, accessory, notebook, or makes gestures that symbolize unauthorized group membership, the following shall result:
  - a. Referral to the principal or designee.
  - b. Student sent home to change clothes or provided with alternative clothing.
  - c. Confiscation of unauthorized group related jewelry, accessory, notebook, etc.
  - d. Parent/guardian contact.
  - e. Documented counseling with a “No Unauthorized Group Contract” and Law Enforcement contact.
4. A second offense of #3 above will result in the following:
  - a. Parent/guardian conference.
  - b. One to five day suspension.
5. A third offense will result in the following:
  - a. Parent/guardian contact.
  - b. A minimum five day suspension.
  - c. Contact with law enforcement agency.
  - d. Possible recommendation for expulsion.
6. A fourth and subsequent offenses will result in the following:
  - a. Parent/guardian contact.
  - b. A minimum five day suspension and recommendation for expulsion
  - c. Contact with law enforcement agency.
  - d. Possible recommendation for expulsion.
7. Any unauthorized group graffiti on school premises shall be removed, washed down or painted over as soon as discovered.
  - a. Daily checks for graffiti shall be made throughout the campus, including restroom walls and doors.
  - b. Graffiti shall be photographed before it is removed. These photographs will be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.
8. Classroom and after-school programs at each school shall be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of positive activities.
9. Staff shall actively promote membership in authorized student organizations which can provide students companionship, safety, and a sense of purpose and belonging.
10. Each school within the Districts shall develop an action plan that includes but is not limited to the following.

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### **UNAUTHORIZED GROUPS**

- a. Inservice for all staff on signs and symptoms of unauthorized group activity.
  - b. Techniques and procedures to discourage the influence of unauthorized groups.
  - c. Campus safety and supervision.
  - d. Unauthorized group prevention education.
  - e. Outreach program for students identified as unauthorized group-oriented students as well as actual members of existing unauthorized groups.
  - f. Parent support program. Unauthorized Group Prevention Education
1. Explain the dangers of unauthorized group membership
  2. Include lessons or role-playing workshops in nonviolent conflict resolution and unauthorized group avoidance skills.
  3. Promote constructive activities available in the community.
  4. Involve students in structured, goal-oriented community service projects.
  5. Encourage positive school behavior.

Unauthorized group prevention lessons may be taught jointly by teachers, law enforcement staff, and contracted organizations.

#### **Community Outreach**

Unauthorized group prevention classes or counseling offered for parents/guardians shall address the following topics:

1. The dangers of unauthorized group membership.
2. The nature of local unauthorized group apparel and graffiti.
3. Ways to deal effectively with one's children.
4. Warning signs which may indicate that children are at risk of becoming involved with an unauthorized group.
5. Resources available to them for further assistance.

Community programs offered for staff, parents/guardians, churches, city officials, business leaders and the media shall address:

1. The scope and nature of local unauthorized group problems.

**Students**

**AR 5136**

**UNAUTHORIZED GROUPS**

2. Ways that each segment of the community can help to alleviate these problems.

**Intervention Measures**

Staff shall make every effort to engage unauthorized group-oriented students into the academic, extra-curricular and social mainstream and into work experience programs. To this end:

1. Staff members shall be provided with updated information regarding unauthorized group activities which advocate drug use, disruptive behavior, such as but not limited to violence, intimidation, threats, coercion, congregating in mass.

2. Classroom teachers shall refer individual unauthorized group oriented students for individual and/or group counseling.

3. Students who seek help in rejecting unauthorized group associations may be referred to community-based unauthorized group suppression and prevention organizations.

**C. Forms Used and Other References**

None

**D. Procedure**

Outlined in school discipline handbooks and consistent with Board Policy.

**E. Reports Required**

Suspension Documents Expulsion Documents

**F. Record Retention**

Expulsion Documents

**G. Responsible Administrative Unit**

Student Services

**H. Approved by the Administrator of the Division**

Educational Services

UNAUTHORIZED GROUPS

TUSD Adopted: 6/9/98  
TUSD Revised: 5/13/08

The Governing Board desires to keep district schools and students free from the threats or harmful influence of any unauthorized groups which advocate drug use, or disruptive behavior, such as but not limited to violence, intimidation, threats, coercion, congregating in mass. The principal or designee shall maintain continual, visible supervision of school premises so as to deter unauthorized group intimidation of students and confrontations between members of different unauthorized groups.

The Superintendent or designee shall establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort.

The Superintendent or designee shall in cooperation with law enforcement provide in-service training which helps staff to identify various symbols, recognize early manifestations of disruptive activities, and respond to inappropriate behavior. Staff and selected students shall be trained in the use of conflict management techniques and alerted to intervention measures and community resources, which may help our students.

The Board realizes that many students become involved in unauthorized groups without understanding the consequences of unauthorized group association. Early intervention is a key component of efforts to break the cycle of unauthorized group association. Therefore, Violence prevention education in the schools may start with enrollment in TUSD.

The Board prohibits the presence of any apparel, jewelry, accessory, notebook, tattoos or manner of grooming which, by virtue of its color, or combination of color, arrangements, trademark, or any other attribute, denotes membership in any unauthorized group, which advocates disruptive behavior such as but not limited to violence, intimidation, threats, coercion and congregation in mass. This policy shall be applied as the need for it arises at individual school sites.

If a student exhibits signs of unauthorized group affiliation, staff shall so inform the parent/guardian.

**Legal Reference:**

<u>EDUCATION CODE</u>	
32239.5	School Violence Prevention and Response Act of 1999
32282	School Safety Plans
35183	Gang-related apparel
35294.10 – 35294.15	School Safety and Violence Prevention Strategy Program
48907	Student exercise of free expression
51264	Educational inservice training; CDE guidelines



Students

UNAUTHORIZED GROUPS

BP 5136 (b)

TUSD Adopted: 6/9/98  
TUSD Revised: 5/13/08

51265                      Gang violence and drug and alcohol abuse prevention —in-service training  
51266-51266.5            Model gang and substance abuse prevention curriculum  
41511                      Gang Risk Intervention Programs

PENAL CODE

186.22                    Participation in criminal street gang  
13826-13826.7            Gang violence suppression

UNITED STATES CODE, TITLE 20

7101-7143                Safe and Drug-Free Schools and Communities Act of 1994

Management Resources:

On Alert:

Gang Prevention in School and Inservice Guidelines, January 1994

CDE PUBLICATIONS

Protecting Our Schools:    Governing Board Strategies to Combat School Violence, 1996

CSBA PUBLICATIONS

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**SEXUAL AND GENDER-BASED HARASSMENT****A. Purpose and Scope**

The Governing Board is committed to maintaining an environment free of sexual harassment.

**B. General**

1. Prohibited sexual or gender-based harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature made by a district employee to a student or another district employee, or when made by a student to another student, of the same or opposite sex in the educational setting, where:
  - a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status or progress; or
  - b) Submission to or rejection of the conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or
  - c) The conduct has the purpose or effect of having a negative impact on the individual's academic or work performance or of creating an intimidating, hostile or offensive educational or work environment.
  - d) 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 or any district program or activity.
2. Other types of conduct which are prohibited in the district and which may constitute sexual or gender-based harassment include, but are not limited to:
  - a) Unwelcome leering, sexual flirtations, or propositions.
  - b) Sexual suggestions or obscene letters, notes, invitations, unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
  - c) Attempts to pull down pants or gym shorts or flip up skirts.
  - d) Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures or computer-generated images of a sexual nature
  - e) Graphic verbal comments about an individual's body or overly personal conversation
  - f) Teasing, name-calling or sexual remarks about an individual's gender identity, gender expression or sexual orientation.
  - g) Massaging, grabbing, fondling, stroking, or brushing the body
  - e) Spreading sexual rumors.
  - f) Touching an individual's body or clothes in a sexual way.
  - g) Impeding or blocking normal movements.
  - h) Purposefully limiting a student's access to educational tools.
  - i) Displaying sexually suggestive objects in the educational or work environment.

**SEXUAL AND GENDER-BASED HARASSMENT**

- j) Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual or gender-based harassment.)
- k) Implying or withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation or other discipline will be used. Within the educational environment, implying will withhold or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
- l) Coercive sexual behavior used to control, influence, or affect the career, salary, and/or work environment of another employee. Within the educational environment, engaging in coercive sexual behavior to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- m) Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

In determining whether the alleged conduct constitutes sexual or gender-based harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incidents occurred will be considered.

**C. Forms & Additional References**

None

**D. Procedures****1. Student Harassment**

Any student who feels that he or she is being sexually harassed or harassed based on gender, by an employee, another administrator or faculty member and report the harassment without fear of reprisal. The student does not have to report the harassment to his or her teacher, especially if the student believes that the teacher is the harasser. The student can make this report along or with his or her parent/guardian. An individual who believes a student has been subject to harassment, or witnessed or has knowledge of such harassment may also file a complaint.

Title IX prohibits retaliatory behavior against any complainant or any participant in the complaint process.

A district employee who receives a report of sexual or gender-based harassment of a student or who witnesses the sexual or gender-based harassment of a student shall immediately report the harassment to the Assistant Superintendent of Education Services and Human Resources (if alleged harassment is by a district employee) or the principal or principal's designee (if the alleged harassment is by another student). Administrators, upon receiving a sexual or gender-based harassment report from a student, shall inform the student of his or her rights and shall make every effort to assist the student in securing those rights. The administrator shall provide the student with a copy of the sexual and gender-based harassment policy as well as the

**SEXUAL AND GENDER-BASED HARASSMENT**

Administrative Regulations which contains procedures for filing complaints regarding sexual and gender-based harassment.

Each complaint of sexual or gender-based harassment shall be promptly investigated in a way that attempts to respect the privacy of all parties concerned. Formal complaints of sexual or gender-based harassment filed in accordance with the complaint procedures found herein under “7. Complaint Procedures” will be investigated in accordance with “Step 2” of those procedures.

If the complaint requests that his or her name not be disclosed to the harasser, an informal investigation of the allegations shall be conducted to the extent possible without disclosing the complainant’s name. In order to file a formal complaint of sexual or gender-based harassment, however, the student must be willing to disclose his or her name to the alleged harasser. Measures should be taken to evaluate the appropriateness of limiting interactions between the harassing students and the students who were subject of the harassment.

Students who allege sexual or gender-based harassment by their teacher may request to be transferred out of the teacher’s class. The district will attempt to accommodate such requests to the extent practicable. Students who believe that a district employee (e.g., teacher, staff member, etc.) has touched them inappropriately or made inappropriate comments to them of a sexual nature should report such conduct immediately. Even if such behavior is not considered sexual or gender-based harassment under this policy, it may be in violation of other rules and standards of conduct of the district.

**2. Harassment of Employees/Staff/Applicants for Employment**

Any employee or applicant for employment who feels he or she has been sexually harassed based on sex or gender should immediately report such incidents to his or her supervisor, the Assistant Superintendent of Education Services and Human Resources, or any other member of the Administration, without fear of reprisal. An employee or staff member need not first report the harassment to his or her supervisor, especially if the employee or staff member believes the supervisor engaged in or knowingly tolerated any harassment policy and Administrative Regulation which contains complaint procedures for filing a formal sexual harassment complaint will be provided to the complainant and to any other individual upon request.

Any supervisor or administrator who receives a sexual or gender-based harassment complaint shall notify the Superintendent or the Assistant Superintendent of Education Services and Human Resources, who shall ensure that the complaint is appropriately and promptly investigated. (See complaint procedures which are included Administrative Regulation 4118.11 and 4218.11 for the necessary steps: in filing a formal complaint of sexual harassment.)

**3. Any Other Persons Alleging Harassment By A District Employee, or Student**

Any person who alleges sexual or gender-based harassment by any employee, or student in the district may file a complaint under the complaint procedures contained in Administrative Regulation 5145.7 under “7. Complaint Procedures”

#### 4. Sanctions

A substantiated charge of sexual or gender-based harassment against an employee of the district shall subject the employee to disciplinary action, up to and including discharge. Such discipline shall be consistent with the California Education Code and any collective bargaining agreement,

## SEXUAL AND GENDER-BASED HARASSMENT

if applicable. If the conduct complained of constitutes sexual or gender-based harassment under this policy, a charge of such conduct will be substantiated where a preponderance of evidence supports the allegations.

A substantiated charge against a student in grades 4 through 12 in the district shall subject that student to student disciplinary action, up to and including suspension or expulsion, consistent with the student discipline code and the California Education Code. If the conduct complained of constitutes sexual or gender-based harassment under this policy, a charge of such conduct will be substantiated where substantial evidence supports the allegations.

### 5. Notifications – Employees

A copy of the sexual and gender-based harassment policy and administrative regulation shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the sexual and gender-based harassment policy and the administrative regulation which contains the complaint procedures will be circulated to all employees of the district at the beginning of the first quarter or semester of the school year, and to any new employee at the time that the new employee is hired. A copy of the policy and administrative regulation shall also appear in any publication of the district that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the instruction.

All employees additionally shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing ("DFEH") that includes information in sexual harassment, including the legal remedies and complaint process available through the DFEH and directions on how to contact this agency. A notice advising employees of the DFEH's requirements, including the prohibition against unlawful harassment based on sex, shall be posted at the main administrative building. The address and telephone number of the DFEH are as follows:

Department of Fair Employment and Housing  
2000 O Street, Suite 120  
Sacramento, CA 95814  
(916) 455-9918

Federal agencies enforcing the prohibition of sexual harassment are the Equal Employment and Opportunity Commission ("EEOC") and the Office of Civil Rights ("OCR"). The addresses and telephone number of these agencies are as follows:

Office of Civil Rights  
Old Federal Building  
50 United Nations Plaza, Room 239  
San Francisco, CA 94102  
Equal Employment Opportunity Commission  
1265 West Shaw Avenue, Room 103  
Fresno, CA 93711

TUSD Acknowledged 03.24.15

**SEXUAL AND GENDER-BASED HARASSMENT****6. Notifications – Students**

A copy of this policy shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the sexual and gender-based harassment policy and administrative regulation which contains the complaint procedures will be given to all 6-12 students and parents or guardians upon enrollment and annually thereafter. A copy shall be provided as part of any orientation program conducted for new students at the beginning of each trimester, semester, or summer session, as applicable. Notification of policy will be given to parents. Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual and gender-based harassment.

Students may also file a separate claim of sexual or gender-based harassment with the OCR. The address and telephone number of the OCR is listed under the notifications section for employees. The time limit for filing a complaint with the OCR is 180 days from the date the act of sexual or gender-based harassment occurred, or if a student decides to file a complaint internally with the district under the complaint procedures outlined in Administrative Regulation 5145.7, sixty (60) days after that complaint process is exhausted.

**7. Complaint Procedures**

The Governing Board designates the following compliance officers to receive and investigate complaints and ensure district compliance with law:

Superintendent

1875 W. Lowell Ave., Tracy CA 95376

830-3200

Assistant Superintendent of Educational Services and Human Resources

1875 W. Lowell Ave., Tracy CA 95376

830-3260

Director Student Services and Curriculum

1875 W. Lowell Ave., Tracy CA 95376

830-3280

It is desirable that problems and complaints of alleged sexual or gender-based harassment brought by students, employees, parents or other members of the community be resolved in a prompt and equitable manner. If possible, such problems and complaints should be resolved in an informal manner. Although preferred, informal resolution is not a pre-requisite to filing a formal complaint.

If the complaint cannot be resolved informally the following procedures shall be followed for filing a formal complaint of sexual or gender-based harassment:

**Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance.

TUSD Acknowledged 03.24.15

**SEXUAL AND GENDER-BASED HARASSMENT**

The complaint shall be presented to the Superintendent or designee, who will then give it to the appropriate compliance officer. The Superintendent or designee will maintain a log of complaints received, providing each with a code number and date stamp.

All types of complaints regarding sex equity and sexual or gender-based harassment must be initiated, in writing, within one hundred and eighty (180) calendar days of the date the alleged violation occurred, or the date the complainant first obtained knowledge of the facts of the alleged violation.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint.

**Step 2: Investigation of Complaint**

Within sixty (60) school days from receipt of the complaint, excluding summer session, when the alleged violation occurred during the regular school year, the Superintendent or designee shall complete the investigation of the complaint. This time period may be extended by written agreement of the complainant.

The Superintendent or designee will conduct an adequate, reliable and impartial investigation, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence. The investigation will be conducted by a trained investigator that will interview all relevant parties and witnesses; the District is required to implement any interim measures, if deemed necessary, and that minimizes the burden on the individual(s) targeted by the bullying/harassment.

Consideration of counseling and other support services for any person found to have been subjected to prohibited harassment; and identification of any other students who were negatively affected by the harassing behavior and a determination of whether they were subject to a hostile environment. If so, the Recipient will consider whether remedial actions would be appropriate for those students.

**Step 3: Response**

Within sixty (60) days of receiving the complaint, the compliance officer shall prepare and send to the complainant and alleged perpetrator a written report of the district's investigation and decision, as described in Step 4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within fifteen (15) calendar days, file his/her complaint, in writing, with the Governing Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting. The Board may decide not to hear the complaint, in which case the compliance officer's decision is final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complaint within seven (7) calendar days or within the time period that has been specified in a written agreement with the complainant.



Step 4: Final Written Decision

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district will arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

1. Statement of allegation(s) and issues(s).

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**SEXUAL AND GENDER-BASED HARASSMENT**

2. The findings and disposition of the complaint to include whether or not harassment occurred; and any individual remedies offered or provided to the complainant or any sanctions imposed on the perpetrator that directly relate to the complaint, and other steps the school has taken to eliminate the hostile environment. If the school finds one to exist, and prevent recurrence. The perpetrator should not be notified of the individual remedies ~~s~~ ~~o~~ offered or provided to the complainant.
3. Notice of the complainant's right to appeal the decision to the California Department of Education, and procedures to be followed for initiating such an appeal.

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If an employee or student is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee or student was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action. However, when a student is expelled as a result of a substantiated charge of sexual harassment, the expulsion record shall be a non-privileged, dis-closable public record. If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals.

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (Title 5, Section 4652)

**E. Record Retention**

None

**F. Reports Required**

Sexual Harassment (student log)

**G. Responsible Administrative Unit**

Human Resources

Educational Services

Student Services

**H. Approved by:**

Assistant Superintendent of Educational Services and Human Resources

Director of Student Services and Curriculum

TUSD Acknowledged: 03.24.14

TUSD Acknowledged 03.24.15

**SEXUAL AND GENDER-BASED HARASSMENT**

The Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits sexual and gender-based harassment of any employee, student, or other person at school or at any school-related activity. Sexual and gender-based harassment is a form of sex discrimination under Title IX of the Education Amendments of 1972 and is prohibited by both federal and state law.

It shall be a violation of this policy for any district employee to harass another district employee, applicant or student through conduct or communications of a sexual nature as defined in Administrative Regulation 4119.11. It shall also be a violation of this policy for students to harass other students or district employees through conduct or communications of a sexual nature as defined in Administrative Regulation 5145.7.

**Information**

The Superintendent or designee shall ensure that students receive age-appropriate information related to sexual and gender-based harassment. Such information shall include:

1. Examples of acts and behavior which constitute sexual and gender-based harassment.
2. Students shall be assured that they need not endure any form of sexual conduct or communication, including harassment because of sexual orientation, gender identity, or gender expression.

They shall further be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well-being at school.

Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual or gender-based harassment.

3. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual or gender-based harassment should be made.

Students shall be informed that they should immediately contact the principal or designee if they feel they are being harassed.

4. Students shall be encouraged to report observed instances of sexual or gender-based harassment, even where the victim of the harassment has not complained.

**Complaint Process**

The Board expects students or staff to immediately report incidents of sexual or gender-based harassment to the principal or designee, to another district administrator or a faculty member. Any student who

**SEXUAL AND GENDER-BASED HARASSMENT**

feels that he/she is being harassed should immediately contact the principal or designee at his/her school.

Staff shall immediately report complaints of sexual or gender-based harassment to the principal or designee or to another district administrator. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

The Superintendent or designee shall ensure that any complaints regarding sexual or gender-based harassment are immediately investigated. The investigation shall include identification of any other students, in addition to the complainant, who may have been subjected to the prohibited harassment and who may have been subjected to a hostile environment.

If a situation involving sexual or gender-based harassment is not promptly investigated and remedied by the principal or designee, a complaint of harassment can be filed in accordance with AR 1312.1 – Complaints Concerning District Employees or AR 1312.3 – Uniform Complaint Procedures. The principal or designee or district administrator shall determine which procedure is appropriate. A complaint filed under the UCP can be filed at any time and does not have to first be filed with the school site.

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process.

**Confidentiality**

All complaints and allegations of sexual or gender-based harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action.

Information related to a complaint of sexual or gender-based harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

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

**Disciplinary Actions**

Any student who engages in sexual or gender-based harassment of anyone at school or at a school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion.

Any employee who engages in, permits or fails to report sexual or gender-based harassment shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual and gender-based harassment also may be considered a violation of laws relating to child abuse.

**Effects of Sexual Harassment**

The Superintendent or designee shall ensure that if sexual or gender-based harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim(s). The types of actions will vary depending on the circumstances, but may include discipline

**Students**  
**5145.7**

**BP**

## **SEXUAL AND GENDER-BASED HARASSMENT**

of the harasser, counseling and/or other support services for any person found to have been subjected to prohibited harassment, or separation of the victim(s) and the harasser. When separation of the victim and harasser is warranted, the Superintendent or designee shall not unduly burden the victim.

Legal Reference: CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of Minor

EDUCATION CODE

200-264.2 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

Additional grounds for suspension or expulsion; sexual harassment 48904

Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as

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

COURT DECISIONS

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

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

1130 Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

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

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

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

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

TUSD Adopted: 03.24.15

**NONDISCRIMINATION/HARASSMENT**

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. . Members of the school community are expected to treat each other with dignity and mutual respect and to accept the rich diversity that makes up the community. Disrespect among members of the school community is unacceptable behavior which is disruptive to the learning environment and potentially damaging to self-esteem.

The California Education Code states that “all pupils have the right to participate fully in the educational process, free from discrimination and harassment.” California Education Code Section 201(a), Section 220 of the Education Code provides that no person shall be subject to discrimination on the basis of gender in any program or activity conducted by an educational institution that receives or benefits from state financial assistance. The code further provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and a responsibility to provide equal educational opportunity to all pupils. California Education Code Section 201(b).

The California Code of Regulations similarly provides that “No person shall be excluded from participation in or denied the benefits of any local agency’s program or activity on the basis of sex or person’s actual or perceived sexual orientation, gender identity/expression, ethnic group identification, race, color, ancestry, national origin, religion, or mental or physical disability in any program or activity conducted by an ‘educational institution’ or any other ‘local agency’...that receives or benefits from any state financial assistance.” 5 CCR Section 4900(a).

The California Code of Regulations defines “gender” as: “a person’s actual sex or perceived sex and includes a person’s perceived identity, appearance or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with a person’s sex at birth.” 5 CCR Section 4910(k).

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

District programs and activities shall be free from discrimination, including harassment, with respect to a student's actual or perceived sex, gender, ethnic group identification, ancestry, race, national origin, religion, color, physical or mental disability, age or sexual orientation.

Policies and procedures related to harassment must also be consistent with First Amendment rights to free speech. Education Code 48950 provides that no district with one or more high schools shall make or enforce any rule subjecting a high school student to disciplinary sanctions solely on the basis of speech of other communication that would be constitutionally protected if engaged in outside of campus. Education Code 48950 specifically states that it does not prohibit discipline for harassment, threats or intimidation unless constitutionally protected. As a general rule, harassment, threats and intimidation directed at an individual or group are constitutionally protected, and whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved.

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct, which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

No teacher may enforce a rule in class which is in conflict with a student's rights or, with any other rules set by the school administration.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee shall provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the district's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

In providing instruction, guidance, supervision, or other services to district students, employees and volunteers shall carefully guard against segregating or stereotyping students.

### **Sports and Gym Class**

Transgender students shall not be denied the opportunity to participate in physical education, nor shall they be forced to have physical education outside of the assigned class time. Generally, students should be permitted to participate in gender-segregated recreational gym class activities and sports in accordance with the student's gender identity that is exclusively and consistently asserted at school. Participation in competitive athletic activities and contact sports will be resolved on a case-by-case basis.

The schools may provide girls and boys with separate shower rooms and sex education classes when appropriate in order to protect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

### **Dress Codes**

School sites can enforce dress codes that are adopted pursuant to Education Code 35291. Students shall have the right to dress in accordance with their gender identity that is exclusively and consistently asserted at school, within the constraints of the dress codes adopted at their school site. This regulation does not limit a student's right to dress in accordance with the District and/or site Dress/Appearance standards.

### **Gender Segregation in Other Areas**

As a general rule, in circumstances where students are separated by gender for school activities (i.e., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity exclusively and consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis. In such circumstances, staff shall make a reasonable effort to provide an available accommodation that can address any such concerns.

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

### **Grievance Procedures**

The Board hereby designates the following position(s) as Coordinator(s) for Nondiscrimination to handle complaints regarding discrimination and inquiries regarding the district's nondiscrimination policies:

School Principals  
Director of Student Services and Curriculum  
Director of Special Projects and Curriculum  
Director of Special Education and Curriculum  
Assistant Superintendent of Educational Services  
1875 W. Lowell Avenue  
Tracy, CA 95376  
Phone: 832-3200

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate



discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying or to whom such an incident is reported shall report the incident to the Coordinator or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

Where the Coordinator finds that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim.

The Coordinator shall also advise the victim of any other remedies that may be available. The Coordinator shall file a report with the Superintendent or designee and refer the matter to law enforcement where required.

The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The district's policy shall also be posted on the district web site or any other location that is easily accessible to students.

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

### **Retaliation**

It is a violation of District policy to retaliate against any person who reports incident(s) of alleged harassment or testifies, assists or participates in an investigation, proceeding or hearing relating to such alleged harassment. An alleged harasser may be found to have violated this anti-retaliation provision even if the underlying complaint of harassment is subsequently not found to be in violation of this policy.

Retaliation includes, but is not limited to, an adverse action, intimidation, threats, reprisal or harassment, against a complainant or someone acting on the complainant's behalf, who complained about or otherwise protested about harassment. Retaliation may be readdressed

through application of the same reporting, investigation and enforcement procedures as for harassment.

Retaliation against the complainant, the alleged harasser, and/or any witnesses, by breach of confidentiality or otherwise, is strictly prohibited, will not be tolerated, and will be dealt with by appropriate disciplinary consequences including expulsion and/or referral to legal authority.

Any person who knowingly makes a false report may be subject to the same action that the district may take against any other individual who violates this policy. The term “false report” refers only to those made in bad faith and does not include a complaint that could not be corroborated or which did not rise to the level of unlawful harassment.

### **Definitions**

- a) **School Community:** Includes, but is not limited to, all teachers, support staff, administrators, students, coaches, volunteers, school board members and agents of the school site or district.
- b) **Unlawful Harassment:** Includes verbal, visual or physical conduct based on a student’s sex, actual or perceived sexual orientation, gender identity/expression identification, ethnic group, race, national origin, age, marital status, religion, color, mental or physical disability, or physical size or characteristics which has the purpose or effect of substantially interfering with a student’s academic performance or otherwise creating an intimidating, hostile or offensive educational environment. Harassment can include any verbal, visual or physical conduct that offends, denigrates or belittles any individual because of any of the actual or perceived characteristics described herein:
- c) **Racial/Color Harassment:** Includes any of the above unlawful acts on account of a person(s)’ actual or perceived skin color, race or ethnic characteristics.
- d) **Religious/Creed Harassment:** Includes any of the above unlawful acts on account of a person(s)’ actual or perceived religious practices, beliefs, clothing or other religious expression.
- e) **National Origin Harassment:** Includes any of the above unlawful acts on account of a person(s)’ actual or perceived national origin, body features, clothing or other expression or display reflecting national origin.
- f) **Marital Status Harassment:** Includes any of the above unlawful acts on a person’s actual or perceived marital status including a women’s pregnancy or parenthood of family members.
- g) **Age Harassment:** Includes any of the above unlawful acts on account of a person(s)’ actual or perceived chronological age, including appearance or abilities.

h) Disability Harassment: Includes any of the above unlawful acts on account of a person(s)' actual or perceived disability, mental or physical, including mode of ambulating, intelligence, or abilities.

i) Size Harassment: Includes any of the above unlawful acts on account of a person(s)' actual or perceived physical size, including height, weight, abilities, or perceived physical characteristics.

j) Sexual Orientation Harassment: Includes any of the above unlawful acts on account of a person(s)' actual or perceived sexual orientation, including mannerisms or family composition including gay, lesbian, bisexual, transgender and questioning youth.

k) Gender Identity/Expression: Includes any of the above unlawful acts based on an individual's gender identity/expression, which includes mannerisms and/or atypical gender roles. In addition to all of the above actual or perceived characteristics, transgender and gender non-conforming students must be protected from discrimination and harassment in the public school system.

l) Harassment of a General Nature: Includes any comments or actions towards others that, lead to embarrassment, a feeling of inferiority or personal discomfort.

Staff must respond appropriately to ensure that schools are free from any such discrimination or harassment.

#### Legal Reference:

#### EDUCATION CODE

200-262.4	Prohibition of discrimination on the basis of sex, especially:
221.5	Prohibited sex discrimination
221.7	School-sponsored athletic programs; prohibited sex discrimination
48900.3	Suspension or expulsion for act of hate violence
48900.4	Suspension or expulsion for threats or harassment
48904	Liability of parent/guardian for willful student misconduct
48907	Student exercise of free expression
48950	Freedom of speech

49020-49023 Athletic programs

51006-51007 Equitable access to technological education programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

#### CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

#### CODE OF REGULATIONS, TITLE 5

4621 District policies and procedures

4622 Notice requirements

#### PENAL CODE

186.21 Street terrorism; legislative findings and declarations

422.55 -422.86 Interference with constitutional right or privilege

628-628.1 School Crime Reporting

11410-11414 Terrorism

13023 Reports by law enforcement of crimes motivated by race, ethnicity, religion, sexual orientation or physical or mental disability

13519.6 Hate crimes, training courses and guidelines

#### UNITED STATES CODE, TITLE 18

245 Federally protected activities

#### UNITED STATES CODE, TITLE 42

[2000d-2000e-17](#) Title VI & VII Civil Rights Act of 1964 as amended

[2000h-2-2000h-6](#) Title IX, 1972 Education Act Amendments

#### CODE OF FEDERAL REGULATIONS, TITLE 34

- [100.3](#) Prohibition of discrimination on basis of race, color or national origin
- [104.7](#) Designation of responsible employee for Section 504
- [106.8](#) Designation of responsible employee for Title IX
- [106.9](#) Notification of nondiscrimination on basis of sex

#### COURT DECISIONS

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

Management Resources:

#### OFFICE OF CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, January, 1999

Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 FR 47, March, 1994

#### WEB SITES

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>

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

**For All of Tracy Unified School District's Board Policies Please Visit:**  
**<https://www.tracy.k12.ca.us/Board/BoardPolicy/Forms/AllItems.aspx>**