

ANNUAL NOTIFICATION OF PARENTS'/STUDENTS' RIGHTS

School Year 2011-2012



- If you have difficulty understanding these forms, please contact the school for assistance.
- Si tiene dificultad comprendiendo estas formas, haga el favor de comunicarse con la escuela para asistencia.
- Tumawag sa paaralan kung kailangan ninyo nang paliwanag.
- Neu ong hay ba co tro ngai gi ve van thu nay, xin vui long lien lac voi nha truong de duoc huong dan.

Dear Parent/Guardian,

State and federal laws require school districts to notify parents and guardians of minor pupils of parental rights. These laws require the parent or guardian to sign a document acknowledging that they have been informed of these rights, but does not indicate that consent to participate in any particular program has been either given or withheld.

Some legislation requires additional notification to the parents or guardians during the school term or at least 15 days prior to a specific activity. (A separate letter will be sent to parents or guardians prior to any of these specified activities or classes, and the student will be excused whenever the parents file with the principal of the school a statement in writing requesting that their child not participate.) Other legislation grants certain rights that are spelled out in this form.

The following rights, responsibilities, and protections are provided. (When used in this notification, "parent" includes a parent or legal guardian.)

ATTENDANCE

- **ALLOWED ABSENCES** – State law defines allowed absences as follows: (Ed. Code 48205)
 - (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
 - (1) Due to his or her illness.
 - (2) Due to quarantine under the direction of a county or city health officer.
 - (3) For the purpose of having medical, dental, optometric, or chiropractic services rendered.
 - (4) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
 - (5) For the purpose of jury duty in the manner provided for by law.
 - (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
 - (7) For justifiable personal reasons including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
 - (8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
 - (b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of any class from which a pupil is absent shall determine the tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
 - (c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
 - (d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
 - (e) "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil." *Amended by SB 1208, Ch. 312, Statutes of 1999.*
- Whenever there is good reason to believe the child is suffering from a recognized contagious or infectious disease, the child will be excluded from school attendance.

Parents or guardians are advised that no pupil may have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 above when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

CHILD ABUSE

- California State law requires that all suspected child abuse must be reported to law enforcement agencies immediately. Failure to report is punishable by law.
- The parent or guardian of a pupil has the right to file a complaint against a school district employee or other person that they suspect has engaged in abuse of a child at a school site. To ensure that proper investigation takes place, a verbal or written complaint must be filed with the local child protective agency, school district, or county office of education.

DISCIPLINE

- The District has Rules of Student Discipline (PUSD PP-3A/K-5 or PUSD PP-3A/6-12) that are available upon request from each site principal or the Director of Student Services, per Ed. Code 35291.5 and 35291.7
- Student violations of Ed. Code 48900 (except h), 48900.2, 48900.3, 48900.4, and 48900.7 will be reported to that student's teachers or to any district that student may transfer to for a period of three years.
- "Any firearms violations" is an event which must be considered in determining whether a school site is at risk of being classified as a persistently dangerous school.
- **ACADEMIC HONESTY** - Pursuant to Board Policy 3.40, students within the Poway Unified School District are expected to demonstrate acts of academic honesty at all times and will not engage in acts of:
 - cheating on tests

- fabrication/falsification
 - forgery
 - unauthorized collaboration
 - plagiarism
 - theft/alteration of materials or equipment
- Disciplinary actions for violations of the rules of the Academic Honesty Policy may range in severity and will be appropriate to the situation. Disciplinary actions include, but are not limited to:
 - expulsion (K-12)
 - suspension (K-12)
 - dropped from the class (6-12)
 - no credit (6-12)

DISCRIMINATION

- It is the intent of Poway Unified School District to promote harmonious human relationships that enable students to gain a true understanding of the rights and duties of people in our heterogeneous society. In order to foster a supportive environment for a diverse student body, the District assists schools in the reduction and/or prevention of hate behavior by providing guidelines contained in Administrative Procedure 5.28.1, which is available at each school site. In addition, any incident of hate-motivated behavior, as defined by AB178, will be reported to the State Department of Education.

FREE AND REDUCED LUNCH

- Needy pupils may be eligible for free or reduced price lunches. Details are available at your child's school or District Food and Health Nutrition Office. (Ed. Code 49512)

HEALTH/PHYSICAL EXAMINATIONS

- It is the policy of the District to establish procedures to help protect the safety of students and adults. These procedures shall include laws related to tuberculosis testing, and may include laws related to criminal record checks. The policy prohibits sex offenders from volunteering in schools and requires completion of the Volunteer Acknowledgement Notice of Amended Education Code Section 35021.
- A child may be exempt from physical examination whenever the parents file a written statement with the school principal stating that they will not consent to routine physical examination of their child. (Ed. Code 49451)
 - The District may administer immunizing agents to prevent or control communicable diseases to pupils with written parental consent. According to California State law, children must have current immunizations prior to school attendance. Every student entering grades 7-12 at the start of the 2011-12 school year must have proof of a Tdap booster shot. (Ed. Code 49403, Senate Bill 354)
- All children are required to have a physical examination within 18 months prior to entering first grade. School health technicians can provide information regarding availability of no-cost physicals. If parents do not want their child to receive a physical examination, a signed waiver must be provided to the school. Failure to comply or sign a waiver may result in up to 5 days of exclusion from school.
- Children entering public school for the first time (kindergarten or first grade) are required to have a dental check-up by May 31st of their first school year. The evaluation must be completed by a licensed dental professional. Oral health evaluations that occurred within the 12 months prior to school entry also meet this requirement.
- During the school year, various mandated health screening services will be provided for your child at various grade levels (vision, hearing, color vision, scoliosis). Referrals by teachers, parents, and adult students are also accepted. Students may be excused from these mandated screenings upon written parental request if it is accompanied by a report from the parents' own health care provider.
- If a student is taking medication on a continuous basis, parents have the responsibility to inform the school of the medication, the current dosage, and the supervising physician. Students are permitted to carry and self-administer medication (prescription and non-prescription) if certain requirements are met. (Ed. Code 49423)
- When a student must take medication (prescription or non-prescription) at school, parents must submit a written statement of instruction from the physician and a parental request for assistance in administering the physician's instructions (Form H-26). (Ed. Code 49480)
- The governing board provides the opportunity for parents to enroll in a medical/hospital services program for injuries students may sustain while participating in school programs or activities.
- The parent or guardian of a pupil with a temporary disability shall notify the school district where the pupil is receiving care if an individualized instruction program is desired. Pupils hospitalized with a temporary disability will be considered to be residents of the school district in which the hospital is located.
- Students must be allowed to wear sun protective clothing, including hats, and sunscreen whenever they are outdoors during the school day. (Ed. Code 35183.5)
- The PUSD School Board believes that parents or guardians should be involved in decisions surrounding the medical treatment of their children. Therefore, while the Education Code allows school authorities to excuse pupils in grades 7-12 for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian, it is the policy of the District that school authorities will NOT do so. (Ed. Code 46010)
- The District recognizes the harmful effects of alcohol, tobacco, and other drugs and forbids the use or possession of such substances by students on school premises or at off-campus school functions. Instruction in drug education and the effects of the use of tobacco, alcohol, narcotics, dangerous drugs, and other dangerous substances is included in courses on health and appropriate areas of study in grades 1-12. The District supports student intervention programs, encourages non-punitive self-referral for any student needing assistance, and provides ongoing activities to support recovery. Contact the school principal for information on available counseling and referral services and information on rehabilitation and re-entry programs.

HIGH SCHOOL CURRICULUM

- Beginning with the 2005-06 school year, each pupil completing the 12th grade will be required to successfully complete the California High School Exit Exam. A student who has not passed the CAHSEE by the end of Grade 12 is entitled to receive intensive instruction and services for two consecutive academic years. (Ed. Code 48980 (e); 35186)
- Advanced placement examinations are to be available to all students. Students who need fiscal assistance for these exams are to notify their high school counselors. (Ed. Code 48980(m)). Students may enroll in a college level advanced scholastic session course on the recommendation of the school principal and then upon the completion of specified criteria. [Ed. Code 48800]

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PLEDGE OF ALLEGIANCE

- In accordance with Ed. Code (52720 - 52730), the Pledge of Allegiance serves as an appropriate patriotic exercise and is normally recited each day during the school year. Students who do not wish to participate in the flag salute will be excused from participation. In addition, parents may contact the teacher or principal to discuss further options.

RELEASE OF DIRECTORY INFORMATION

Release of Directory Information (see PUSD LSS Signature Verification Form (4/2006))

- Release of Directory Information (see PUSD LSS Signature Verification Form – (5/2005)). The District also makes student *directory information* available in accordance with state and federal laws. This means that each student's name, birth date, birthplace, address, telephone number, major course of study, participation in school activities, dates of attendance, awards, and previous school attendance may be released in accordance with Board policy. In addition, height and weight of athletes may be made available. Appropriate directory information may be provided to any agency or person except private, profit-making organizations (other than employers, potential employers, or news media). Names and addresses of seniors or terminating students may be given to public or private schools and colleges.
- Federal law requires high school registrars to release directory information on 11th grade students to military recruiters. Parents have the right to "opt out" of allowing military access to directory information on their 11th grade student by checking the Military – "No" box on the Poway Unified School District Signature Verification Form (item #6 on the Signature Verification Form).
- Upon written request from the parent of a student age 17 or younger, the District will withhold directory information about the student. If the student is 18 or older or enrolled in an institution of postsecondary instruction and makes written request, the pupil's request to deny access to directory information will be honored. Requests must be submitted within 30 calendar days of the receipt of this notification.
- If you believe the District is not in compliance with federal regulations regarding privacy, you may file a complaint with the United States Secretary of Education. (Ed. Code 49063)

SCHOOL INFORMATION/CALENDAR

- Parents will be advised (no later than one month prior to) of any scheduled minimum days or pupil-free staff development days, Ed. Code 48980 (c).
- A School Accountability Report Card (SARC) is issued annually by each District school, and the District will make a concerted effort to notify parents of the purpose of the SARC. (Ed. Code 33121b). Parents will be provided a copy on request to the school principal. The status of the school's safety plan is contained in this report (Ed. Code 35294.6)
- Pupils may choose to refrain from participating in educational programs involving harmful or destructive use of animals. (Ed. Code 32266-32255.6)
- During the school year, career counseling may be available to your child. If you wish to participate in the counseling, please contact your child's counselor and request that you be notified of the time, date, and place of activity. Such counseling and course selection opportunities will ensure gender equity. (Ed. Code 221.5(d))
- Each parent will receive information on the level of achievement of the parent's child in each of the state academic assessments required under the law. (20 USCS 6311(h)(6)(B))
- The District shall provide parents with written notification of their right to review a course prospectus which compiles the curriculum and instructional aims.

SCHOOL FACILITIES

- For the convenience of students, the schools may provide certain storage facilities such as lockers or shelves for the storage of books, educational equipment, and special clothing. However, the District does not maintain constant surveillance of these facilities. *Students use them at their own risk.* Students should not bring expensive clothing, equipment, and other valuables to school unless absolutely necessary
- Asbestos Management Plans for each school are available to parent, teacher, and employee organizations. These plans can be obtained from the school's principal. (40 CFR 763.83)

SEX EDUCATION INSTRUCTION

- Parents are notified in writing prior to any instruction or class in which human reproductive organs and their function or processes are described, illustrated, or discussed. Materials to be used may be reviewed prior to instruction. (Ed. Code 51550)
- Parents will be notified of AIDS instruction in grades 7-12. Parents may obtain a copy of Ed Code Section 51201.5, 51553, and 51555 regarding AIDS prevention instruction through the principal's office. Parents may request that their student not receive such instruction. (Ed. Code 51201.5 and Ed. Code 51938)
- Whenever any part of the instruction in "health," family life, sex education, or venereal disease conflicts with religious training and beliefs or personal moral conviction of the parent or guardian, the student shall be excused from that part of the instruction upon written parental request. (Ed. Code 51240)
- Parents and others who voluntarily surrender physical custody of a minor child 72 hours old or younger at a hospital emergency room or other designated location can do so without being subject to prosecution. (Ed. Code 51553)

STUDENT EDUCATIONAL PLACEMENT

- The District has a policy of nondiscrimination on the basis of sex, race, color, national origin, lack of English skills, or handicap. This policy applies to all students insofar as participation in programs and activities is concerned, with a few exceptions, such as contact sports. The right to reasonable accommodations is provided to students with disabilities. In accordance with federal law, complaints alleging noncompliance with this policy and requests for complaint procedures should be directed to the school principal.
- State regulations require the District to establish procedures to address allegations of unlawful discrimination and complaints alleging violation of federal or state regulations in programs and activities receiving state funds: adult basic education, SLIP, EIA/LEP, Title 1, Title 6, vocational education, special education, child development, and child nutrition programs. Procedures are outlined on pages 5 and 6.
- All students with disabilities are entitled to a free and appropriate education and effective access to all school programs and facilities. Parents have the right to initiate a referral for assessment to identify students (ages 0-21 years) who may need assessment for special education services, or accommodations or services

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under Section 504 of the Rehabilitation Act of 1973 or Individuals with Disabilities Education Improvement Act (IDEIA). Contact the school principal for assistance in initiating a referral, which must be in writing. Parents who disagree with the identification, placement, services, or accommodations for students may appeal through an informal or formal hearing process. Procedures are available from your school principal, the 504 Coordinator, or the Special Education Office. (Phone numbers are listed on page 6 of this form.)

- It is the policy of the Poway Unified Special Education Local Plan Area (SELPA) to identify, locate, and evaluate all individuals with disabilities who may be in need of special education and related services consistent with federal and state laws. Any parent who believes that their child has a suspected area of disability should contact the local school site regarding the procedures for the identification, location, and evaluation of students. The SELPA policy is located in the Local Plan and outlines the implementation of the legal requirements of the Individuals with Disabilities Education Act, its regulations, and corresponding state law (Ed. Code 56300).
- The District provides limited open enrollment options, including alternative attendance within the District (Ed. Code 58501), interdistrict transfers (Ed. Code 46600), and parental employment in lieu of residence (Ed. Code 48204 (f) and 48980 (g)). Parents are notified of current options at the beginning of the enrollment process each spring.
- The Open Enrollment Act allows a student attending a "low-achieving school" to transfer to another school that with a higher Academic Performance Index (API) (Ed. Code 48350-48361)
- California State law authorizes all school districts to provide alternative schools. In the event any parent, pupil, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this District, and the principal's office in each attendance unit have copies of the law available for your information. This law particularly authorizes interested persons to request the governing board of the District to establish alternative school programs in each district (Ed. Code 58501).
- Parents of Limited English Proficient students will receive a separate letter of notification within 30 days of the start of school about the student's English language proficiency and placement. (Ed. Code 440, 20 USCS 7012(a)(8)(A))
- The District shall appoint a liaison for homeless children who shall ensure the dissemination of public notice of the education rights of students in homeless situations.
- The District shall notify parents and guardians as early in the school year as practicable if their child is at risk for retention and of their right to consult with school personnel, and to appeal a decision to retain or promote their child.

STUDENT RECORDS

- Federal and state laws grant certain rights of privacy and rights of access to students and their parents. Full access to all personally identifiable written records maintained by the District must be granted to:
 - 1) Parents of students age 18 and older if the student is a dependent for tax purposes.
 - 2) Parents of students age 17 and younger.
 - 3) Students age 16 and older, or students who are enrolled in an institution of postsecondary instruction (called "eligible students").
- Parents, or an eligible student, may review individual records by making a request to the principal. The principal will see that explanations and interpretations are provided, if requested. Information that is alleged to be inaccurate or inappropriate may be removed upon request. In addition, parents or eligible students may receive a copy of any information in the records at a reasonable cost per page and in the home language of the student. District policies and procedures relating to: location of, and types of, records; kinds of information retained; persons responsible for records; directory information; access by other persons; review; and challenge of records are available through the principal in each school. When a student moves to a new district, records will be forwarded upon the request of the new school district. At the time of transfer the parent (or eligible student) may review, receive a copy (at a reasonable fee), and/or challenge the records. Parents and eligible students will be notified prior to the destruction of any special education records.

TEACHER QUALIFICATIONS/INFORMATION

- Parents may ask for, and receive in a timely manner, specific information about their child's teacher(s): [Ed. Code 35186]
 - 1) Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
 - 2) Whether the state has waived its qualification and licensing criteria to permit the teacher to teach on an emergency or other provisional basis;
 - 3) The teacher's college major, any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree;
 - 4) Whether Title 1 teachers' aides or similar paraprofessionals provide instructional services to the parents' children and, if they do, their qualifications (NCLB Act of 2001, Section 1111(h)(6)(A)).

Information about teacher qualifications may be accessed by contacting either the Associate Superintendent of Personnel Support Services or from the following website: <https://teachercred.ctc.ca.gov/teachers/index.jsp>

Poway Unified School District
ANNUAL NOTIFICATION OF COMPLAINT PROCEDURES
School Year 2011-2012

Certain student rights are protected by federal and state laws and regulations. This notice is provided to inform students and their parents of the procedures to be followed if they believe any of the rights set forth in this document have been violated. If you have questions or need clarification about any of these items, please contact one of the administrators listed on the reverse of this form.

UNIFORM COMPLAINT PROCEDURES

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing unlawful discrimination in education programs:

Filing of Complaint

Any individual, public agency, or organization may file a written complaint of noncompliance with the designated Uniform Complaint Procedures Coordinator. (See complaint form PUSD A-77). The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination.

Appropriate Investigation of Complaint

The investigator shall provide an opportunity for the complainant to present information relevant to the complaint within 15 calendar days of receiving the complaint.

Written Decision

Within 40 calendar days of receiving the complaint, the investigator shall send to the complainant a written report of the District's investigation and decision.

Appeal to the Regional Associate Superintendent

If a complainant is dissatisfied with the investigator's decision, he/she may, within five calendar days following the forwarding of the decision, file a written appeal to the associate superintendent of the region in which the complaint was filed. Within 15 calendar days of receiving the written appeal, the regional area superintendent will send the complainant a written report of the decision.

Appeal to the Board of Education

If the complainant wishes the local board of education to review the decision, the complainant must request an extension of the Title V timelines. He/she

may, within five calendar days following the forwarding of the regional area superintendent's decision, request a review by the Board of Education by forwarding the written appeal to the District Superintendent. At its next regular Board meeting, the Board will determine whether to hear the appeal.

The Board may decide not to consider the written decision. If the Board determines to consider the appeal, it will be considered at the next regular Board meeting. Whether or not the Board determines to consider the written decision, the Superintendent shall send the Board's decision to the complainant.

Appeal to the California Department of Education

If a complainant is dissatisfied with the District's decision, he/she may appeal in writing to the California Department of Education within 15 calendar days of receiving the District's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals.

Civil Law Remedies

Civil law remedies may be imposed by a court for violations that include, but are not limited to, prohibited discrimination on the basis of gender, race, color, national origin, lack of English skills or disability. A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complaints may seek assistance from mediation centers, legal assistance agencies or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

SEXUAL HARASSMENT

The Poway Unified School District recognizes that harassment on the basis of sex is a violation of both federal and state employment discrimination laws as well as District Policy and Administrative Procedure. The District is committed to providing all students with a school environment free from sexual harassment and will not tolerate such conduct on the part of any District employee or student.

Any student with a complaint of sexual harassment should implement these complaint procedures as soon as possible. These procedures are designed to effectively manage the investigatory process while protecting the rights of both the complainant and respondent. The detailed nature of the procedure is to ensure the process is clear and understandable. Any person with questions or concerns about the process may, at any time, ask for assistance from the investigator or the Associate Superintendent of Personnel Support Services. **No individual will suffer reprisals for reporting any incidents of sexual harassment or making any complaints.** The District will promptly and thoroughly investigate any complaints of sexual harassment and will take expeditious action to resolve such complaints, in accordance with these procedures.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and verbal, visual, or physical conduct of a sexual nature, made by someone from or in the school setting.

Sexual harassment may be considered to occur under any of the following conditions:

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

Forms of sexual harassment include, but are not limited to:

1. Deliberate written or oral comments, gestures, or physical contacts of a sexual nature or demeaning to one's gender which are unwelcome and/or interfere with school productivity.
2. Implicit or explicit sexual behavior by a fellow student or District employee which has the effect of controlling, influencing, or otherwise affecting the school environment.
3. Unwelcome suggestive, vulgar, or obscene letters, notes, posters, calendars, or other visual products, or derogatory comments, slurs, and/or jokes of a sexual nature.

SEXUAL HARASSMENT COMPLAINT PROCEDURES

Any student who believes he or she has been subjected to sexual harassment should immediately inform any teacher or administrator.

Any teacher or administrator who receives information from a complaint or otherwise that sexual harassment has allegedly occurred should immediately notify the Associate Superintendent of Personnel Support Services. When the complainant expresses a desire not to have the complaint immediately reported, the teacher or administrator should ensure the complainant receives a copy of the District Administrative Procedure and is informed of available assistance.

The Associate Superintendent of Personnel Support Services will designate an investigator to investigate all complaints in accordance with this procedure.

The complainant will be immediately informed of any rights under any relevant complaint procedure, policy, or collective bargaining agreement.

All complaints should be reduced to writing and should be submitted to the investigator within sixty (60) workdays after the alleged harassment has occurred. Complaints which are over sixty (60) days old or which are not reduced to writing will be pursued at the discretion of the Associate Superintendent of Personnel Support Services or the Superintendent. Notwithstanding these requirements, the Associate Superintendent of Personnel Support Services or the superintendent will investigate all formal or informal complaints of sexual harassment to determine whether or not corrective action is necessary.

All written complaints shall be signed and dated by the complainant and shall contain at least the name(s) of the individual(s) involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged sexual harassment. Names, addresses, and phone numbers of witnesses or potential witnesses should also be included.

All complaints will be reviewed and investigated by the appointed investigator. The investigation may include interviews with: 1) the complainant; 2) the respondent; and 3) any other person(s) who reasonably may have relevant knowledge concerning the complaint, such as witnesses and victims of similar conduct.

Where the investigator determines sexual harassment may have occurred, the investigator shall present the respondent with a copy of the complaint and this Administrative Procedure and provide the respondent with an opportunity to respond to the allegations. Such response must be received within a reasonable amount of time, as determined by the investigator, not to exceed fifteen (15) workdays.

Immediately following review and investigation of the complaint, the investigator will prepare and deliver to the Superintendent a written recommendation to resolve the complaint. The recommendation will include at least a description of the nature and extent of the investigation conducted by the District, action taken by the District in the event immediate action was necessary, and a proposed resolution to the complaint.

A copy of the proposed resolution will be distributed to the complainant and the respondent. Where the parties agree to the proposed resolution, the resolution shall be implemented and the investigation shall be concluded.

If the complainant or respondent is not satisfied with the proposed resolution, he or she may appeal to the Superintendent within ten (10) workdays of receipt of the proposal. The appeal must be in writing, signed, and shall state each and every reason for the appeal and disagreement with the proposed resolution. The Superintendent shall investigate the appeal and, within twenty (20) workdays from its receipt, shall render a written decision and indicate the basis and reasons for the decision.

If the complainant or respondent is not satisfied with the Superintendent's findings, he or she may make a final appeal to the Board of Education within ten (10) workdays of receipt of the Superintendent's decision. The appeal must be in writing, signed, and shall state each and every reason for the appeal and disagreement with the Superintendent's decision. The Board will, in its sole discretion, determine what, if any, further proceedings should occur. The determination of the Board as to procedures and resolution of the allegations will be final.

In the event it is determined there is merit to the complaint, the District will take corrective action, including such discipline up to and including suspension and/or immediate termination of employment, as is appropriate in accordance with applicable law and Board policies and procedures. Severity of the disciplinary action will be based upon the circumstances of the infraction.

HATE MOTIVATED BEHAVIOR AND HATE MOTIVATED HARASSMENT

The Governing Board affirms the right of every student to learn in an environment free from harassment and hate-motivated behavior. It is the commitment of the District to provide a safe and harmonious learning environment for our students. Behavior or statements that degrade, intimidate, harass, and/or harm an individual or group on the basis of race, ethnicity, culture, heritage, gender, sexual orientation, physical/mental attributes, or religious beliefs or practices will not be tolerated.

Pursuant to Education Code 200 et seq., schools have an affirmative obligation to combat bias as well as a responsibility to provide equal educational opportunity that supports human dignity and equality. The California Department of Education defines hate-motivated behavior as an act, or attempted act, motivated by hostility toward a victim's actual or perceived race, ethnicity, national origin, immigrant status, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. Some hate-motivated behavior may also be a crime as defined in state or federal law. The determination of hate-motivated behavior is assessed from the point of view of a reasonable person of the victim's position and takes into account the totality of circumstances, but not limited to:

1. Nature and seriousness of the incident
2. Frequency of the offensive act.
3. Age of the perpetrator.

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4. Physically threatening or humiliating conduct.
5. Context in which the incident occurred.
6. Relationship between the parties.
7. Impact on victim.

Hate motivated harassment and Behavior is defined as occurring within three categories:

1. Hate violence as defined by California Statute which includes but is not limited to assault, threatened assault or injury, activities historically associated with threats of hostility such as swastikas, nooses, etc., and literature or written material which reference a group or specific message associated with threat or creating a hostile learning environment.
2. Hate motivated intimidation, harassment, remarks or actions that create a hostile learning environment, absent a physical threat or criminal action. These actions include but are not limited to, name calling, racial slurs (in absence of a physical threat), harassment based upon protected status, posting and circulation of negative stereotypes and repeated insensitive or inappropriate remarks which continue after corrective or disciplinary action have been implemented by the school.
3. Insensitive or inappropriate remarks and behavior: For incidents involving remarks or absent hostility or malice, appropriate corrective action will be imposed by the school.

HATE MOTIVATED BEHAVIOR AND HATE MOTIVATED HARRASMENT COMPLAINT PROCEDURES

Any student who feels that he/she is a victim of harassment or hate-motivated behavior shall report it to a teacher, administrator, or other school district adult. If the student believes that the situation has not been remedied, he/she may file a complaint in accordance with district complaint procedures.

Staff who receive notice of hate-motivated behavior, or personally observe such behavior, shall notify the principal or supervisor. The principal, principal's

designee, or supervisor shall report this to law enforcement. Supervisors and principals are required to report incidents involving suspension or recommended expulsion for hate-motivated behavior to the district office.

Students demonstrating harassment or hate-motivated behavior shall be subject to discipline in accordance with Board policy and administrative procedure.

SECTION 504

It is hoped that differences surrounding the screening, evaluation, and/or placement process for students with disabilities under Section 504 can be resolved informally with the District. However, if a satisfactory resolution is not

reached, a pamphlet outlining specific complaint procedures can be obtained by contacting the 504 Coordinator at the school site or the District Section 504 Coordinator listed below.

CIVIL LAW REMEDIES

Pursuant to California Education code (Article 6, Section 262.3), persons who have filed a complaint with an educational institution are advised the civil law remedies including, but not limited to, injunctions, restraining orders, or other orders that may also be available to them.

The U.S. Department of Education, Office for Civil Rights, enforces compliance with Section 504, the ADA, and Title IX, and may be contacted for assistance

with complaints relating to these laws and their regulations. The (state) Department of Fair Employment Opportunity Commission (EEOC) enforces compliance with state and federal laws and regulations protecting individuals from employment discrimination and may be contacted for assistance with complaints of employment discrimination.

QUESTIONS MAY BE DIRECTED TO:

DISTRICT EQUAL OPPORTUNITY/TITLE IX
Associate Superintendent, Personnel Support
Services
Bill Chiment
(858) 521-2761

AMERICAN DISABILITIES ACT COORDINATOR
Associate Superintendent, Personnel Support
Services
Bill Chiment
(858) 521-2761

SPECIAL EDUCATION
Assistant Director
Emily Shieh
(858) 521-2823

SECTION 504 COORDINATOR
Director , Learning Support Services
Paul Gentle
(858) 521-2843

UNIFORM COMPLAINT PROCEDURES
Uniform Complaint Procedures Coordinator
Bill Chiment
(858) 521-2761 Fax: 858-485-1355