



**Lakeside Joint School District  
Notification of Rights  
of Parents and Students**

**2011-2012**

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## STUDENT RECORDS AND STAFF QUALIFICATIONS

**Family Educational Rights and Privacy Act:** The “Family Educational Rights and Privacy Act of 1974” (Public Law 93-380, Amended December, 1996) affords parents, legal guardians, and students over 18 years of age (eligible students) certain rights with respect to the student’s educational record. Such records include all material that is incorporated into each student’s cumulative record folder – specifically including, but not necessarily limited to, identifying data, completed academic work, level of achievement, attendance data, scores on standardized and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns.

**Inspection of Records:** [Education Code 49069] Parents of students currently in attendance, or eligible students currently in attendance, have a right to inspect and review the student’s educational records which are maintained by the school. Pupil records are available for review during regular school hours. Request for access should be in writing and directed to the school principal and must be granted within five (5) days following the date of the request.

**Written Request to Amend Student Records:** [Education Code 49070] Following inspection and review of a pupil’s record, the parent or eligible student may file a written request with the superintendent of the District to amend a record they believe in inaccurate, misleading, or otherwise in violation of the student’s privacy rights.

**Hearing Panel to Amend Student Records:** The parent may file a written request with the Superintendent of the District to remove any information recorded in the written records concerning the student which is alleged to be: inaccurate; an unsubstantiated personal conclusion or inference; a conclusion or inference outside of the observer’s area of competence; not based on the personal observation of a named person with the time and place of the observation; and/or misleading. Within thirty (30) days, the Superintendent shall meet the parent/guardian and the certificated employee who recorded the information, if any, and if the person is still employed with the District, and sustain or deny the allegations. If the allegations are sustained, the Superintendent denies the allegations, the parent may appeal the decision to the Board of Trustees within thirty (30) days. The Board shall determine whether or not to sustain or deny the allegations. If the Board sustains the allegations, it shall order the Superintendent to immediately correct, remove or destroy the information from the written records of the student. If the final decision of the Board is unfavorable to the parents, or if the parent accepts an unfavorable decision by the District Superintendent, the parent shall have the right to submit a written statement of objections. This statement shall become a part of the student’s school record until such time as the information objected to is removed. Both the Superintendent and the Board have the option of appointing a hearing panel in accordance with the Education Code sections 49070-49071 to assist in the decision making. The decision as to whether a hearing panel is to be used shall be made at the discretion of the Superintendent or the Board and not of the challenging party.

**Student Records Log:** [Education Code 49076, 49077, 49078] A Student Records Log is maintained for each student. The log lists persons, agencies or organization requesting and/or receiving information from the records to the extent required by law. Student logs are located at the school and are open to inspection by parents or guardians. School officers or employees having a legitimate educational interest may access student records without first obtaining parental consent. “School officers and employees” are persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel), a Board member, a person or company with whom the District has contracted to perform a special service) attorney, auditor, medical consultant, or therapist) or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A “legitimate educational interest” is one held by a school officer or employee whose duties and responsibilities create a reasonable need for access.

**Compliance with Court Order for Student Information:** [Education Code 49077] Schools shall furnish information in compliance with a court order and shall make a reasonable effort to notify parent and student in advance of the action.

**Disclosure from Disciplinary Records:** [Education Code 49072] Whenever information concerning any disciplinary action is included in a pupil’s record, the school district shall allow the parents of eligible student to include a written statement or response concerning the disciplinary action. However, nothing in the Family Educational Rights and Privacy Act prevents school from maintaining, and disclosing under certain circumstances, specific information regarding disciplinary action taken against students. The District shall have discretion to determine circumstances under which it is appropriate to disclose information.

**No Child Left Behind Act of 2001:** Pursuant to federal law, in any school district receiving Title I funds, parents/guardians have the right to request information regarding the professional qualifications of the student’s teachers including at a minimum: (1) whether the teacher has met the State credential or license criteria for the grade level and subject matter taught; (2) whether the teacher is teaching under an emergency credential or is on other provisional status; (3) the bachelor’s degree major the teacher and other graduate certifications or degrees held; (4) whether the student is provided services by paraprofessionals and their qualifications.

**Professional Qualifications of Classroom Teachers:** In January 2002, the “No Child Left Behind Act of 2001” (NCLB), reauthorized the Elementary and Secondary Education Act (ESEA). A provision of the law requires all professional qualifications of the children’s classroom teachers and paraprofessionals. All teachers must be highly qualified by the end of 2005-2006. In addition, the District shall provide to each individual parent the following information: 1) information of the level of achievement of the parent’s child in each of the State academic assessments, and 2) timely notice if the parent’s child has been assigned, or has been taught for four or more consecutive weeks by a teacher who is not highly qualified.

**Filing of Complaint:** Parents and eligible students have the right to file a complaint concerning alleged failures by the district to comply with the requirements of the Family Educational Rights and Privacy Act with: Family Policy Compliance Office, U. S. Department of Education, 600 Independence Avenue, S.W., Washington, D.C. 20202.

## RIGHTS AFFORDED BY THE CALIFORNIA EDUCATION CODE

- Notify Parents (EC § 49063):** School districts shall notify parents of their rights concerning specific sections of the Education Code.
- Directory Information (EC § 49073):** Directory information, which includes one or more of the following items: student's name, address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student, may be released according to local policy as to any pupil or former pupil, provided that notice is given annually of the categories of information to be released and of the recipients of said information. No directory information shall be released regarding any student when a parent has notified the school district that such information shall not be released. Notice is hereby given that directory information is provided to officials of athletic leagues and opposing schools, to government officials, to parent groups affiliated with the schools and is contained in publications of the schools, including the newspaper, yearbook and student rosters. Directory information may be provided to any organization recognized by the Board of Trustees as having a legitimate right to such information.
- Charge for Records (EC § 49065):** The school district may make a reasonable charge in an amount not to exceed the actual costs of furnishing copies of any pupil record.
- Release of Statistical Data (EC § 49704):** A school district may release statistical data when such action would be in the best educational interest of pupils and provided that no pupil may be identified. [Education Code 49074]
- Agency Access (EC § 49076):** A school district may release student record information to a judge or probation officer for purposes of conducting a truancy mediation or for presenting evidence at a truancy hearing pursuant to Welfare and Institutions Code 681.
- Transfer of Records: (EC § 49068):** Any school district requesting transfer of a pupil record for purposes of enrollment shall notify the parent of his/her right to receive a copy of the record and to challenge the content of the record. This statement shall serve as such notice.
- Grades: (EC § 49066):** The grade given to each pupil shall be the grade determined by the teacher and, in the absence of mistake, fraud, bad faith, or incompetency, shall be final. Failure to wear standardized physical education apparel, which arises from circumstances beyond the control of the pupil, shall not adversely affect said pupil's grade.
- Pupil's Progress: (EC § 49067):** Each school district shall prescribe regulations requiring the evaluation of each pupil's achievement for each marking period and requiring a conference with, or a written report to, the parent of each pupil whenever it becomes evident to the teacher that the pupil is in danger of failing a course. The refusal of the parent to attend the conference, or to respond to the written report, shall not preclude failing the pupil at the end of the grading period.
- Required Parent Attendance at School: (EC § 48900.1):** California provides that teachers may require the parent or guardian of a student who has been suspended by the teacher pursuant to the Education Code to attend a portion of a school day in the classroom of that teacher. Parents are to be sent a notice of the requirement to attend by the principal and are to meet with the principal or designee after completing the classroom visit. A parent or guardian who is required to attend a class may not be threatened or disciplined by his/her employer for making the required classroom visitation.
- Local Complaint Procedures (Title 5, California Code of Regulations Uniform Complaint Procedures, Article 4):** Complaints should be directed to the District Superintendent. All complaints will be processed within sixty days of receipt. Options exist for mediations or appeal to the State Superintendent of Public Instruction should the complaint disagree with the District's written decision.
- Complaints Concerning School Personnel:** To promote fairness, procedures have been outlined in Board Policy and Administrative Regulation 1313 to be followed in the resolution of complaints concerning school personnel. The Regulation and forms are available in the principal/superintendent's office.
- Equal Opportunity:** Equal Opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Educational Amendments of 1972) Inquiries on all matters, including complaints regarding the implementation of Title IX in the District may be referred to the District Superintendent.
- Nondiscrimination (EC § 51500):** It is the policy of the District to prohibit any instruction or activity which discriminates on the basis of sex, race, color, creed, handicap, national origin or ancestry.
- Review of Curriculum:** A prospectus of curriculum, including titles, descriptions, and instructional aims of every course offered by the school will be made available at the school site for review upon request.
- School Accountability Report (EC § 35256):** Parents/guardians may request a School Accountability Report Card which is issued annually for each school of the District.
- Appeals, Civil Law Remedies (EC § 262.3):** Persons who have filed a written complaint of prohibited discrimination with the school district may appeal the governing Board action to the Department of Education.
- Physical Education Requirement (EC § 51241):** Every school student is required to take physical education. When there is a legitimate reason for a student to be excused from physical education for three days or fewer, please send a note by the student to the school. Any time an excuse will exceed three days, a form must be completed and signed by a physician.
- Limited Personal Reason for Non-School Attendance: (EC § 44807):** A pupil shall be excused from school 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/her religion, attendance at religious retreats, or an employment conference. A request for such absence shall be made in writing by the parent or guardian. School policy stipulates that such a request be made prior to the absence. [Education Code 48205]

**Instruction of Pupils with Temporary Disabilities:** (EC §§ 48207,48208,48206.3): A student is deemed to comply with the residency requirements of the district in which a hospital or residential health facility (excluding state hospitals) is located, for the purpose of receiving individual instruction if the pupil incurs a temporary disability. (Although the district in which the hospital facility is located is required to provide individual instruction, the Lakeside Joint School District may be able to provide such instruction, thereby facilitating continuity of instruction. Check with a school administrator to determine the best course of action.

**Asbestos Management Plan:** An updated management plan for asbestos-containing material in school buildings is available at the District Office upon request.

**Use of Pesticides (EC §§ 48980.3, 17612):** School districts shall inform parents or guardians about the use of pesticides on school grounds as part of the annual parent notice. Such notice must include the name of all pesticide products expected to be applied at the school site during the upcoming year, the active ingredient(s) in each pesticide product. Parents may register with the school site if they wish to receive notification of individual pesticide applications at the school site at least 72 hours prior to the application. Additional information on pesticides is made available by the Department of Pesticide Regulation at [www.cdpr.ca.gov](http://www.cdpr.ca.gov).

**Comprehensive School Safety Plan (EC §§ 32286, 32288):** Each school is required to report on the status of its school safety plan, including a description of its key elements, in the annual school accountability report card. Planning committee is required to hold a public meeting to allow members of the public the opportunity to express an opinion about the school plan. Planning committee to notify in writing specified persons and entities. District to notify State Department of Education by October 15 of schools that are not in compliance with safety plans.

**School bus and Passenger Safety (EC § 39831.5):** Requires bus safety regulations to be provided to all new students.

**Complaints concerning deficiencies related to instructional materials, etc. (EC § 35186):** Notice must be provided regarding the requirement of schools to have sufficient textbooks and instructional materials, clean and safe facilities, and no teacher vacancies or misassignments as defined. Forms to file a complaint of deficiencies are available at the district office. .

**Children in homeless situations:** Each local district shall appoint a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. Parental Notification requires districts that receive Title I funds to notify parents of the following requirements under “No Child Left Behind.” **Program Improvements**-Parent/Guardian shall be notified when their children’s school is identified as a “program improvement” and the opportunities for school choice and / or supplemental instruction **Teacher Qualifications**-Parent/Guardian shall be notified that they may request specified professional qualifications of the student’s classroom teacher(s) and assigned paraprofessional(s).

**Unsafe school choice (5 CCR § 11993(k))** – Parents/guardians shall be notified of elementary and/or secondary schools considered to be “persistently dangerous” pursuant to California Department of Education guidelines and of available options. “Any firearms violations” is an event which must be considered in determining whether a school site is at risk of being classified as persistently dangerous.

**Pupil-Free Staff Development and Minimum Day Notification: (EC § 48980):** Pupil-free days are usually scheduled on the school calendar, then adopted by the School Board each spring for the following school year. A maximum of three (3) minimum days may be established by the District Superintendent for professional development purposes. Parents/guardians of all students shall be furnished with notification as early as possible but not later than thirty (30) days before the scheduled minimum or pupil-free day.

**Reporting Results Of Norm-Referenced Standardized Tests: ; (EC § 60722):** Whenever a standardized test is administered by the school, the Education Code requires that student’s score must be reported in writing to student’s parent/guardian along with a clear explanation of the purposes of the test and its intended use by the school.

**Free and Reduced Price Meals (EC § 49510-49520):** Certain students are eligible to receive free or reduced price lunches at school. Contact the school principal for information concerning eligibility requirements.

**Registered Sex Offenders – Megan’s Law (Penal Code §290.4 and commencing with §48980 of the Education Code):** The Department of Justice is required to provide to a local law enforcement agency in each county a CD-ROM or other electronic medium containing information regarding specific registered sex offenders, and those law enforcement agencies, in turn, are required to make it available for public viewing.

**Drugs, Tobacco, Alcohol (EC § 51203):** The Education Code requires that parents be notified of programs offered by the District of education about drug, tobacco and alcohol abuse. The District provides such instruction on the effects of substance abuse in the core curriculum. These topics may also be addressed in other elective courses. [Education Code 51203]

## SPECIAL EDUCATION AND SPECIAL PROGRAMS

**Services to Disabled Pupils:** [Education Code 56301]All students with exceptional needs have a right to participate in appropriate programs of publicly supported education. Each student with exceptional needs is assured an education appropriate to his/her needs in publicly supported programs through completion of secondary education programs. Each student with exceptional needs shall have his/her educational goals and objectives specified in a written individualized education program. The law gives students and their parents certain rights to fair hearings with respect to the assessment and placement of students. For information about these programs and rights, contact the superintendent/principal at the school office. Any individual, public agency or organization may file a written complaint which, if true, would constitute a violation by that public agency of federal or state law or regulation governing special education and related services. The complaint should be filed with the Superintendent of Public Instruction, California State Department of Education, 721 Capitol Mall, Sacramento, CA 95814.

**Disabled Students:** [Education Code 5040] [Section 504 of the Rehabilitation Act of 1973, 34 CFR. 104.31] Disabled students for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. Please contact the Coordinator of Special Education for specific information. In addition, services are available for students who have a disability that interferes with their equal access to educational opportunities.

**Section 504 of the Rehabilitation Act:** Section 504 is a civil rights act, which prohibits discrimination against students with disabilities. U.S. Department of Education regulations require that students with disabilities be provided with a free and appropriate public education – a program designed to meet their educational needs as adequately as the needs of students without disabilities. These regulations require identification, evaluation, provisions of appropriate services, and procedural safeguards. A student may be referred for an evaluation under 504 by district personnel, parent/guardian or someone authorized, in writing, to act on the parents' behalf. For services contact the superintendent/principal at the school office.

**Child Find System: Policies and Procedures:** Each school district, special education local plan area, or county office is required to establish written policies and procedures for a continuous child-find system which addresses the relationships among identification, screening, referral, assessment, planning, implementation, review and the triennial assessment. The policies and procedures must include, but need not be limited to, written notification to all parents/guardians of their rights and the procedure for initiating a referral for assessment to identify individuals with exceptional needs. [Education Code 56301]

**Complaints (Special Education):** Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services. Parents should file a written description of the manner in which the special education programs for handicapped do not comply with state or federal law or regulations with the District Superintendent.

**Special Education; Aiding Parents in due process Hearings (EC § 56502):** Requires the State Superintendent to develop a model form to assist parents and guardians in filing requests for due process. Forms are available at the district office for parents that wish to initiate due process hearings relating to special education rights.

**Special Education; Inspection of School Records (EC § 56043(n)):** Specifies the rights of parents with children with exceptional needs to examine and receive copies of records within five business days after a request is made, and before any IEP meeting, hearing or resolution session regarding their child.

## **NOTICE TO PARENTS AND GUARDIANS REGARDING RIGHTS OF STUDENTS TO ENGAGE OR NOT ENGAGE IN CERTAIN SCHOOL ACTIVITIES**

As required by Education Code 48980, you are hereby notified that you have a right to permit or refuse to engage in the school activities permit your child to listed below:

1. **Leaving School Grounds:** Each campus determines rules for granting or denying student permission to leave campus during lunch. For those students allowed to leave campus during lunch, Section 44808.8 of the Education Code states that: "Neither the school district nor any officer or employee thereof shall be liable for the conduct or safety of any pupil during such time as the pupil has left the school grounds pursuant to this section."
2. **Absence for Religious Exercises and Instruction:** Students may be excused, with written permission from a parent or guardian, to participate in religious exercises or receive moral and religious instruction away from school property. Every student so excused must attend at least the minimum school day. [Education Code 46014]
3. **Sex Education or Family Life Education:** Parents may inspect books and other materials used in those units that may include sex or family life education in which reproductive organs and their functions are described, illustrated or discussed. Words or pictures in any science, health, or hygiene textbook are not involved in this section. Separate notification is required for students who take such units. Written objection shall be honored if you do not want you child to attend such instruction. [Education Code 51550]
4. **Venereal Disease Education:** Parent rights are similar to those in item 3 above. Parents will be notified prior to the course being offered and will be afforded an opportunity to file written objections to their student's participation in such programs. [Education Code 51820]
5. **Excusal from Instruction:** Upon written request of a parent, a students may be excused from any part of instruction in health, family life, or sex education which conflicts with the parent(s)' religious training or beliefs (including personal moral convictions). [Education Code 51240]
6. **Right Not to be Called by Automated Calling Machine:** An automated calling machine may be used by the school to notify parents of student absences. Parents or guardians who do not wish to be informed of absences in this manner must direct a written request to the principal of the school. In such instances every effort will be made to contact parents personally, but such contacts may not be as timely as those made by the automated system.
7. **Immunization for Communicable Disease:** Immunization may be consented to in writing by a parent for a licensed physician (or nurse acting under the direction of a supervising physician) to administer an immunizing agent. [Education Code 49403]
8. **Administration of Medication** prescribed by a physician for a child during the school day may be done by a nurse, or other designated school personnel if designated under detailed instructions from a physician and upon written parental request. [Education Code 49423]
9. **Students on Medication:** Parents are to notify the principal if their student is on continuing medication. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the principal or school employee may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate.

[Education Code 49480]

10. Physical Examinations: A child may be exempt from physical examination whenever the parents file, annually, a written statement with the school principal stating that they will not consent to routine physical examination of their child. Whenever there is good reason to believe the child is suffering from a recognized contagious disease, the child will be excluded from school attendance. [Education Code 49451 and 49452]
11. Child Health and Disabilities Prevention Program (HSC §§ 124085, 124105): Requires notification of parents of kindergarten and first grade pupils of requirement of physical examination for first grade enrollment and availability of free health screening through local health department. Requires up to five days of exclusion for failure to comply or sign a waiver.
12. Alternatives to Dissection of Animals: Students with moral objections to the dissection or otherwise harmful or destructive use of animals or animals parts may choose to participate in an alternative education assignment if the student's teacher agrees that such an assignment is possible. The student's objection must be sustained in writing by his/her parent or guardian. [Education Code 32255]
13. Liability for Treatment: Notwithstanding any provision of any law, no school district, officer of any school district, school principal, physician, or hospital treating any child enrolled in any school in any district shall be held liable for the reasonable treatment of a child without the consent of a parent/guardian of the child when the child is ill or injured during regular school hours, requires reasonable medical treatment, and the parent/guardian cannot be reached, unless the parent or guardian has previously filed with the school district a written objection to any medical treatment other than first aid. [Education Code 49407]
14. Sun Protective Clothing/Use of Sunscreen): Requires school sites to allow for outdoor use of sun-protective clothing. Further provides for the use of sunscreen by students during school day and authorizes sites to establish policy. [Education Code 35183.5]

### **NOTIFICATION OF RELEASE OF PUPIL TO PEACE OFFICER**

State law and Board Policy require principals or other school officials to release minor students into the custody of a peace officer with or without a warrant, if there is reason to believe that the student has violated the law (Welfare and Institutions Code 625). Immediate steps shall be taken to notify the parent/guardian or responsible relative of the student's release and the place to which the student is reportedly being taken [Education Code 48906]. Exception: when a minor has been taken into custody as a victim of suspected child abuse, as defined in Penal Code §11165, or pursuant to Welfare & Institutions Code §305. [Education Code 48906]

### **STUDENT RESPONSIBILITIES**

Students have legal rights and responsibilities subject to their status as minors. They have a right to an education and to due process under the law. Students have the responsibility to learn and to allow other students to learn. The behavior and attendance guidelines presented here have been formulated to establish and maintain a proper learning environment for all students.

- A. Primary Responsibilities. All students are expected to:
  1. Value an education.
  2. Attend school and classes daily.
  3. Know the school rules.
  4. Respect the rights and property of others.
  5. Not endanger the physical well being of others.
  6. Allow others to reach their educational goals.
  7. Accept the consequences when they disobey school rules.
- B. Appeal Process. If a student disagrees with a disciplinary action taken by a teacher or school official, he/she should first comply with the request and then follow these appeal steps:
  1. Discuss the matter after class or at a mutually agreed upon time.
  2. If still not satisfied, the student may contact the principal.
  3. If still not satisfied, the student and/or parent may appeal to the Board of Education.

### **ATTENDANCE AND DISCIPLINE PROCEDURES**

The mission of the school district is to maximize the learning of all students. As a community of learners committed to excellence, we promote lifelong learning, personal integrity, social responsibility and good physical and mental health. Our graduates will be prepared to make meaningful, positive contributions to our world. The District's attendance and discipline policies and administrative regulations are meant to balance the rights of an individual student with those of the total school population.

#### **ATTENDANCE**

Regular attendance in school is mandatory for the student to gain the maximum benefit from his/her education; therefore, all absences are subject to verification by school officials. It is the parent's responsibility to see that the school is called on the first day of absence to inform the attendance office of the reason for the absence. All days of absence shall be verified by telephone with the parent/guardian.

Excused Absences: A pupil shall be excused from school when the absence is:

- a. Due to illness;

- b. Due to quarantine under the direction of a county or city health officer;
- c. For the purpose of having medical, dental, optometrical, chiropractic services rendered;
- d. For the purpose of attending funeral services of a member of his/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;
- e. For justifiable personal reason, including but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his/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 Board of Trustees.

**Unexcused Absences:** Any student who is absent from school without the required parental or school approval for any part of a school day, or who leaves school without proper authorization, will have his/her absence classified as unexcused.

**Truancy and Tardiness:** Any student who is absent from school or from the same class period(s) without a valid excuse more than three days or who is tardy at the beginning of the school day in excess of 30 minutes on each of more than three days in one school year is a truant and shall be reported to the attendance supervisor.

**Make-up Work:** A student absent from school under this section shall be allowed to complete all assignments and test 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. As the teacher of any class from which a student 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.

**Students who have been suspended will be provided make-up work at the discretion of the teacher.**

**Disciplinary Actions Related to Attendance**

1. Absences

2. Truancy

a) Upon a student's initial classification as a truant the school shall notify the parent or guardian. [Education Code 48260.5]:

- 1) that the pupil is truant;
- 2) that the parent/guardian is obligated to compel the attendance of the student;
- 3) that those who fail to meet this obligation may be guilty of an infraction;
- 4) that alternative educational programs are available in the district;
- 5) that the parent has a right to meet with school personnel to discuss solutions to the truancy;
- 6) that the pupil may be subject to prosecution under Section 48264;
- 7) that it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

b) Any student who has been reported as a truant and is again absent without parental or school approval one or more days shall again be reported.

c) A conscientious effort shall be made to hold one conference with a parent or guardian and the student.

3. Absences due to suspension and required Saturday School

a) 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] Absences during a suspension may be made up on a day-for-day basis by required attendance at after-school classes.

b) Suspended students may be required to attend after-school classes following their re-admittance until this obligation is completed.

4. Falsification of attendance records: Any student who has been found to have falsified attendance records or who has made false telephone calls to the attendance office shall be subject to disciplinary action including possible suspension from school.

**DISCIPLINE: SUSPENSION AND EXPULSION**

Board Policy 5131 authorized school administrators to impose discipline when students violate district and school regulations. Administrative Regulation 5131.5 specifies the types of discipline that are authorized. Board Policy 5131.6 and Administrative Regulation 5131.6 specifically deal with suspension and expulsion. With administrative approval, in-house detention may be used in lieu of suspension. In implementing these policies and regulations, administrators will reference the guidelines listed. In each case due process and analysis of the individual situation will be honored.

A student may be suspended or expelled for any of the acts listed if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances: while on school grounds; while going to or coming from school, during the lunch period, whether on or off the school campus; during, going to, or coming from, a school-sponsored activity.

**I. Offenses Requiring Mandatory Recommendation & Mandatory Expulsion**

[Education Code 48915(c)]

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student has obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife as defined in Education Code 48915(g) at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing sexual battery as defined in Penal Code 243.4.
5. Possessing an explosive as defined in 18 United States Code 921.  
Penalties: The principal, Superintendent or designee shall immediately suspend and recommend expulsion of a pupil that he/she determines has committed any of the acts defined above. The appropriate law enforcement agency shall be notified.

**II. Offenses Requiring Mandatory Recommendation for Expulsion**

[Education Code 48915(a)]

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

Penalties: Recommended for expulsion unless the Principal, Superintendent or designee finds and reports in writing that expulsion is inappropriate due to the particular circumstances which shall be set out in the report of the incident. The appropriate law enforcement agency shall be notified.

**III. Offenses Authorized for Expulsion Recommendations and Suspension**

[Education Code 48900]

**Note:** The following section provides guidelines to administrators in applying disciplinary consequences. It is not intended to be all inclusive, but the law shall prevail where not fully defined. A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.  
The appropriate law enforcement agency will be notified for all serious fights.
  - a. Penalty for first offense: Up to a five-day suspension.
  - b. Penalty for second offense: Up to a five-day suspension. The student may be transferred to an alternative program.
  - c. Penalty for third offense: Up to a five-day suspension. The student will be transferred to an alternative program.
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive or other dangerous object unless, in the case of possession of any such object, the student had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or his/her designee.  
The appropriate law enforcement agency will be notified.
  - a. Penalty for first offense: Suspension and mandatory recommendation for expulsion.
3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health & Safety code 11053-11058, alcoholic beverage, intoxicant of any kind.  
The appropriate law enforcement agency will be notified.  
**Penalties relating to alcohol:**
  - a. Penalty for first offense: (possession) Suspension for up to five days.  
Penalty for first offense: (sales) Suspension up to five days and recommendation for expulsion.  
Penalty for subsequent offense: Suspension for five days, possible recommendation for alternative program, possible expulsion.

**Penalties relating to all other controlled substances:**

- a. Penalty for first offense: (possession) Suspension for up to five days, possible expulsion.  
Penalty for first offense: (sales) Mandatory recommendation for expulsion.  
**Note:** One day of suspension can be removed if the student attends a school-approved substance abuse intervention program.
- b. Penalty for second offense: (possession) Mandatory recommendation for expulsion.

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as controlled substance, alcoholic beverage, or intoxicant.  
The appropriate law enforcement agency will be notified.

**Penalties relating to alcohol:**

- a. Penalty for first offense: Suspension for five days, recommendation for expulsion.

**Penalties relating to all other controlled substances:**

- a. Penalty for first offense: Mandatory recommendation for expulsion.  
Penalty for second offense: Mandatory recommendation for expulsion.
5. Committed or attempted to commit robbery or extortion.  
The appropriate law enforcement agency will be notified.
    - a. Penalty for first offense: mandatory recommendation for expulsion.
  6. Caused or attempted to cause damage to school property or private property.  
The appropriate law enforcement agency will be notified.
    - a. Penalty for each offense: Suspension for up to five school days and may be recommended for an alternative program. The parent of the student will be liable for full cost of restitution under condition of Education Code 48904. Student may be recommended for expulsion, depending on seriousness of the offense.
  7. Stole or attempted to steal school property or private property.  
The appropriate law enforcement agency will be notified.
    - a. Penalty for first offense: Suspension for up to five school days and may be recommended for an alternative program. Full restitution shall be made.
    - b. Penalty for subsequent offenses: Suspension for five school days and the student shall be recommended for an alternative program. Full restitution shall be made.
  8. Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit use or possession by a pupil of his or her own prescription products.
    - a. Penalty for first offense: Suspension for a period of up to two school days or assignment to a tobacco cessation program or other school-approved program.
    - b. Penalty for second offense: Suspension for a period of up to three school days. One of these days may be an assignment to a tobacco cessation program or other school-approved program.
    - c. Penalty for subsequent offenses: Suspension for five school days and the student may be recommended for an alternative program.
  9. Committed an obscene act or engaged in habitual profanity or vulgarity.  
**Note:** If obscenity, profanity, vulgarity is directed at staff or in the classroom, student may be dropped from class.  
The appropriate law enforcement agency may be notified.
    - a. Penalty for first offense: Suspension for up to five school days.
    - b. Penalty for second offense: Suspension for up to five school days.
    - c. Penalty for third offense: The student will be recommended for an alternative program.
  10. Unlawfully possessed or unlawfully offered, arranged or negotiated to sell any drug paraphernalia as defined in Health and Safety Code 11014.5.  
The appropriate law enforcement agency may be notified.
    - a. Penalty for first offense: Suspension for up to three school days.
    - b. Penalty for second offense: Suspension for up to five school days.

- Student may be recommended for an alternative program.
- c. Penalty for subsequent offense: Suspension for a period of five school days.  
The student will be recommended for an alternative program.
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of duties.
    - a. Penalty for first offense: Suspension for up to five school days. Defiance of the authority of a teacher in the classroom may result in student being dropped from that teacher's class.
    - b. Penalty for subsequent offense: Suspension for five school days and student may be recommended for enrollment in an alternative program.  
Falsification of school records is considered a disruption of school activities/defiance of valid authority.  
Hazing and Harassment will be considered a disruption of school activities and defiance of school authority. Hazing includes any method of initiation or pre-initiation into a student organization or any pastime or amusement engaged in, which causes, or is likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm. Hazing is a misdemeanor, punishable by a fine of not less than \$100. nor more that \$5,000. or imprisonment in the county jail for not more than one year, or both. [Education Code 32051] Consequences will follow disruption of school activities described above.
  12. Knowingly received stolen school property or private property.  
The appropriate law enforcement agency may be notified.
    - a. Penalty for first offense: Suspension for up to five school days.
    - b. Penalty for subsequent offense: Suspension for up to five school days.  
The student will be recommended for an alternative program.
  13. Possessed an imitation firearm, i.e., 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.  
The appropriate law enforcement agency may be notified.
    - a. Penalty for first offense: Suspension for up to five school days.
    - b. Penalty for subsequent offense: Suspension for up to five school days.  
The student will be recommended for an alternative program.
  14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.  
The appropriate law enforcement agency may be notified.
    - a. Penalty for first offense: Suspension and mandatory recommendation for expulsion.
  15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.  
The appropriate law enforcement agency may be notified.
    - a. Penalty for first offense: Suspension for up to five school days.
    - b. Penalty for subsequent offense: Suspension for up to five school days.  
The student may be recommended for an alternative program.
  16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma as defined in Education Code 48900 (p).  
The appropriate law enforcement agency may be notified.
    - a. Penalty for first offense: Mandatory recommendation for expulsion.
    - b. Penalty for second offense: Mandatory recommendation for expulsion.
  17. Made terrorist threats against school officials and/or school property (As defined in Penal Code 422).  
The appropriate law enforcement agency may be notified.
    - a. Penalty for first offense: Suspension and possible recommendation for expulsion.
    - b. Penalty for subsequent offense: Suspension and recommendation for expulsion.
  18. Committed sexual harassment as defined in Education Code 212.5  
**Note:** Serious offenses may result in recommendation for expulsion upon the first offense.
    - a. Penalty for first offense: Suspension for up to five school days.
    - b. Penalty for subsequent offense: Recommendation for expulsion.
  19. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code

33032.5

The appropriate law enforcement agency may be notified.

- a. Penalty for first offense: Suspension for up to five school days and possible recommendation for expulsion.
- b. Penalty for subsequent offense: Suspension for up to five school days and recommendation for expulsion.

20. Intentionally engaged in harassment, threats or intimidation against district personnel or students 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 school personnel or students by creating an intimidating or hostile educational environment. [Education Code 48900.4]

**Note:** Serious offenses may result in recommendation for expulsion upon the first offense.

- a. Penalty for first offense: Suspension for up to five days.
- b. Penalty for second offense: Recommendation for expulsion.

### Suspensions and Student Activities

District and School Rules pertaining to student discipline are available to parents or guardians of district students in the school office. [Education Code 35291]

### **CALIFORNIA STUDENT SAFETY AND VIOLENCE PREVENTION ACT OF 2000**

The California Student Safety and Violence Prevention Act of 2000 was passed by the California Legislature in September 1999 and signed into law effective January 2000. The intent of the new code is to reduce or eliminate incidents of harassment, discrimination, and hate-motivated behavior. It specifically targets discrimination directed at students or staff who may be or are perceived to be gay, lesbian, bisexual, or transgender individuals. Compliance with this act in the areas of school policies, resource development, training, and student support is critical to provide all student and staff with safe and secure learning and work environments.

The law provides that no person shall be subjected to discrimination on the basis of sex, ethnic group identification, race, national origin, religion, color mental or physical disability or any basis that is contained in the prohibition of hate crimes set forth in subdivision (a) of section 422.6 of the Penal Code in any program or activity conducted by an education institution that receives, or benefits from state financial assistance or enrolls pupils who receive state financial aid.

### **HAZING AND SEXUAL HARASSMENT POLICY AS RELATED TO STUDENTS**

#### A. Hazing

Hazing includes any method of initiation or pre-initiation into a student organization or any pastime or amusement engaged in, which cause, or is likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm. [Education Code 32052] Hazing will be considered a disruption of school activities and defiance of school authority and students guilty of hazing may be disciplined accordingly.

#### B. Harassment

No employee or student shall be subjected to unwelcome sexual advances by any student or district employee, nor shall any employee or student be harassed, ridiculed or otherwise demeaned by any district employee or student because of sex or sexual orientation, ethnic or racial background, physical handicap or other personal characteristic which is unrelated to job or school performance. [Education Codes 200 and 212.6]

Sexual harassment is defined as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. this definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. Unlawful harassment includes but is not limited to:

- ◆ Unwanted sexual advances.
- ◆ Offering employment benefits in exchange for sexual favors.
- ◆ Making or threatening reprisals after a negative response to sexual advances.
- ◆ Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objectives or pictures, cartoons or posters.
- ◆ Verbal conduct: making or using derogatory comments, epithets, slurs and jokes.
- ◆ Verbal sexual advances or propositions.
- ◆ Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.
- ◆ Physical conduct: touching, assault, impeding or blocking movements.

Any violation of this provision shall be considered grounds for a complaint, and if the complaint is upheld, the offender shall be subject to disciplinary action. Complaints concerning harassment may be submitted to the school principal or the District Superintendent and shall follow the process in Board Policy 7008, Uniform Complaint Procedures. The District will not retaliate against the complainant for filing a complaint and will not knowingly permit retaliation by employees and coworkers. And, insofar as

possible, every effort will be made to protect the privacy of parties involved in any complaint.

Each student will receive a written copy of the District policy on sexual harassment. The purpose of this policy is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies. [Education Code 212.6]

**STUDENT USE OF TECHNOLOGY**

The Board of Trustees, by Board Policy 6163.4, recognized that technology provides ways to access the most current and extensive sources of information. Technology also enables students to practice skills and to develop reasoning and problem-solving abilities. Every effort shall be made to provide equal access to technology throughout the District’s schools and classes. The Board intends that the Internet and other on-line resources provided by the District be used to support the instructional program and further student learning.

The Superintendent or designee shall establish regulations governing student access to technology that are age appropriate. These regulations shall prohibit access to harmful matter on the Internet that may be obscene or pornographic and preclude other misuses of the system. In addition, these regulations shall establish the fact that users have no expectation of privacy and that District staff may monitor or examine all system activities to ensure proper use of the system. Students who fail to abide by District rules shall be subject to disciplinary action, revocation of the user access and legal action as appropriate.

Because the Internet contains an unregulated collection of resources, the District cannot guarantee the accuracy of the information or the appropriateness of any material that a student may encounter. Therefore, before using the District’s on-line resources, each student and his/her parent/guardian shall sign and return an Acceptable Use Agreement. This parent/guardian shall agree not to hold the District responsible for materials acquired by the mistakes or negligence or any costs incurred by users. Staff shall supervise students while using on-line services and may ask teacher aides and student aides to assist in this supervision. [Education Code 51870.5]

**FIREARM SAFETY AND RESPONSIBILITY**

Parents are advised that under California law it is a crime to keep any loaded firearm in a house where a child age 15 or under can gain access to it. If the firearm is used to cause death or great bodily injury to the child or others, the penalty is a state prison term for up to three years and/or up to \$10,000. fine. If the firearm is not used to cause great bodily injury, but is merely carried to a public place the penalty is imprisonment in county jail for up to one year and/or a fine of up to \$1000. [Penal Code §12035].

Local law enforcement officials advise parents who own firearms to keep them in locked containers.

**ATTENDANCE PERMITS**

Students shall attend the public school in the school district in which the residency of either the parent or legal guardian is located. The District’s priority is to meet the needs of pupils residing within the District’s boundaries. However, the Board of Trustees recognized justifiable reasons for interdistrict attendance permits and may consider requests that demonstrate a genuine hardship, exceptional or extraordinary circumstance or verifiable planned move into the District.

**RETURN SIGNATURE REQUIRED BY LAW**

Pursuant to Education Code 48982, the Legal Notice Acknowledgment shall be signed by the parent or guardian and returned to the school. Signature is an acknowledgment by the parent or guardian that he/she has been informed of his/her rights but does not indicate that consent to participate in any particular program has either been given or withheld.

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(Return to School Office)

**LEGAL NOTICE RECEIPT ACKNOWLEDGMENT**

Lakeside Joint School District  
Lakeside Elementary School  
19621 Black Road  
Los Gatos, CA 95033

Student’s Name \_\_\_\_\_ Grade \_\_\_\_\_

Parent/Guardian \_\_\_\_\_

I acknowledge that I have been informed of my rights and have been furnished the **2011-2012 Notification of Rights of Parents and Students.**

Signature of Parent/Guardian \_\_\_\_\_ Date \_\_\_\_\_