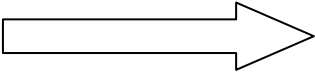
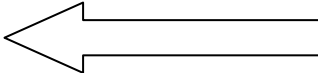


ALBANY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

The mission of Albany Unified School District is to provide excellent public education that empowers all to achieve their fullest potential as productive citizens. AUSD is committed to creating comprehensive learning opportunities in a safe, supportive, and collaborative environment, addressing the individual needs of each student.

REGULAR MEETING


CORNELL ELEMENTARY SCHOOL
(Multi-Purpose Room)
920 Talbot Avenue
 Albany, CA 94706
 


THURSDAY


September 27, 2012

A G E N D A

<u>Meeting Norms</u>	I. <u>OPENING BUSINESS</u> <u>6:30 p.m.</u>
<ol style="list-style-type: none"> 1. Maintain a focus on what is best for our students. 2. Show respect (never dismiss/devalue others). 3. Be willing to compromise. 4. Disagree (if necessary) agreeably. 5. Make a commitment to effective deliberation, each one listening with an open mind while others are allowed to express their points of view. 6. Participate by building on the thoughts of a fellow Board member. 7. Make a commitment to open communication and honesty; no surprises. 8. Commit the time necessary to govern effectively. 9. Be collaborative. 10. Maintain confidentiality (which leads to the building of trust). 11. Look upon history as lessons learned; focus on the present and the future. 	<p>A) Call to Order</p> <p>B) Roll Call</p> <p>C) Identify Closed Session Pursuant to Agenda Section III Below</p> <p>II. <u>PUBLIC COMMENT PERIOD FOR CLOSED SESSION ITEMS</u></p> <p><i>General public comment on any Closed Session item will be heard. The Board may limit comments to no more than three (3) minutes.</i></p> <p>III. <u>CLOSED SESSION</u> <u>6:35 p.m.</u></p> <p>A) With respect to every item of business to be discussed in Closed Session pursuant to Government Code Section 54957:</p> <ul style="list-style-type: none"> • Associate Superintendent of Business Service's Contract <p>B) With respect to every item of business to be discussed in Closed Session pursuant to Education Code Section 35146: <i>Students</i></p> <p>C) With respect to every item of business to be discussed in Closed Session pursuant to Government Code Section 54957.6: <i>Conference with Labor Negotiator</i> (Superintendent Marla Stephenson, District Representative), Regarding Negotiations as pertains to:</p> <ul style="list-style-type: none"> • California School Employees Association (CSEA) • Albany Teachers Association (ATA) • SEIU Local 1021

IV. OPEN SESSION

7:00 p.m.

(15 mins.)

Depending upon completion of Closed Session items, the Board of Education intends to convene to Open Session at 7:00 p.m. to conduct the remainder of its meeting, reserving the right to return to Closed Session at any time.

- A) Reconvene to Open Session
- B) Roll Call
- C) Pledge of Allegiance
- D) Report of Action Taken in Closed Session
- E) Approval of Agenda
- F) Approval of Consent Calendar

(The Consent Calendar includes routine items that may be handled with one action. Board Members may request any item be removed from the Consent Calendar without formal action.)

1. Board of Education Minutes

a) Approve Minutes of the September 11, 2012 Regular Meeting------(pg.7)

2. Personnel------(pg.15)

a) Certificated Personnel Assignment Order

- 1) Extra Assignment
 - a. Dept. Chair
 - b. Noontime Activities Coordinator
 - c. Teacher Leader
- 2) New Hire
 - a. Teacher
 - b. Teacher, Home/Hospital
 - c. Teacher, Substitute
- 3) Separation of Service
 - a. Teacher

b) Classified Personnel Assignment Order

- 1) Amendment
 - a. Library Tech
 - b. Para-educator
 - c. Para-educator, ELD
- 2) New Hire
 - a. Athletic Director
 - b. Coach, Golf, Women
 - c. Don fund sup art tch
 - d. Don fund sup music tch
 - e. Instructor
 - f. Lifeguard
 - g. Para-educator
 - h. Para-educator, Special Ed sub
 - i. Para-educator, Sub
 - j. Swim Instructor

k. Yard Aide

- 3) Separation of Service
a. Lifeguard, Swim Instructor

4) Student Workers

- 5) Uncompensated Service
a. Interns

c) *Approve Job Description – Music Coordinator*------(pg.24)

d) *Approve Agreement – University of Delaware- Psychology Practicum*------(pg.26)

e) *Approve Agreement – Cal State Teach – Student Teacher*------(pg.28)

f) *Approve Agreement – Cal State Teach – Intern Teacher*------(pg.31)

3. Business Services

a) *Approve - Annual Accounting of Developer Fees for the 2011-12 Fiscal Year*------(pg.34)

4. Student Services

a) *Approve Out of State Field Trip Request – Debate Club*------(pg.38)

b) *Approve Independent Contractor Agreement – Sue Blevins*------(pg.39)

c) *Approve Independent Contractor Agreement –Constance Brizee*------(pg.40)

d) *Approve Independent Contractor Agreement Amendment –Joanne Wile*------(pg.41)

5. Special Education

a) *Approve Independent Contractor Agreement –
Community Options for Families & Youth (COFY)*------(pg.42)

6. Board Policies & Bylaws

a) *Waive 2nd Reading, Adopt; Board Policies:*

1) *Board Policy 5111 – Admission*------(pg.43)

2) *Board Policy 5113 - Absences and Excuses*------(pg.45)

3) *Board Policy 5113.1 - Chronic Absence and Truancy*------(pg.48)

4) *Board Policy 5131.62 – Tobacco*------(pg.51)

5) *Board Policy 5145.11 – Questioning and Apprehension by Law Enforcement*---(pg.54)

6) *Board Policy 5145.3 - Nondiscrimination/Harassment* -----(pg.56)

V. **STUDENT MEMBER REPORT**

(5 mins.)

7:15 p.m.

VI. STAFF REPORTS**7:20 p.m.**

A) *BTSA Annual Update*
(10 mins.)

**VII. PERSONS TO ADDRESS THE BOARD
ON MATTERS NOT ON THE AGENDA****7:30 p.m.**

(10 mins.)

Board practice limits each speaker to no more than three (3) minutes. The Brown Act limits Board ability to discuss or act on items which are not on the agenda; therefore, such items may be referred to staff for comment or for consideration on a future agenda.

VIII. REVIEW AND ACTION ITEMS**7:40 p.m.**

(Members of the public will have the opportunity to speak on all issues.)

A) *Approve Associate Superintendent of Business Service's Contract-----*(pg.66)
(under separate cover)
(5 mins.)

B) *Approve – Independent Contractor Agreement- ALMA Strategies-----*(pg.67)
(5 mins.)

IX. REVIEW AND DISCUSSION ITEM**7:50 p.m.**

A) *Conduct 1st Reading, Discuss; Board Policy –*
5022 - Student and Family Privacy Rights-----(pg.77)
(5 mins.)

B) *Conduct 1st Reading, Discuss; Board Policy –*
5030 - Student Wellness-----(pg.81)
(5 mins.)

C) *Review Administrative Regulation –*
5125 Student Records-----(pg.98)
(5 mins.)

D) *Review Administrative Regulation –*
5125.1 - Release of Directory Information-----(pg.126)
(5 mins.)

E) *Review Exhibit –*
5125.1 - Release of Directory Information-----(pg.130)
(5 mins.)

F) *Conduct 1st Reading, Discuss; Board Policy –*
5131.7 - Weapons and Dangerous Instruments-----(pg.136)
(5 mins.)

G) *Review Administrative Regulation –*
5131.7 - Weapons and Dangerous Instruments (new) -----(pg.142)
(5 mins.)

- H) Conduct 1st Reading, Discuss; Board Policy –
5144 Discipline -----(pg.144)
(5 mins.)*
- I) Review Administrative Regulation -
5144 Discipline----- (pg.150)
(5 mins.)*
- J) Conduct 1st Reading, Discuss; Board Policy –
5144.1 Suspension and Expulsion/Due Process -----(pg.156)
(5 mins.)*
- K) Review Administrative Regulation -
5144.1 Suspension and Expulsion/Due Process----- (pg.166)
(5 mins.)*
- L) Conduct 1st Reading, Discuss; Board Policy –
5145.7 Sexual Harassment----- (pg.210)
(5 mins.)*
- M) Review Administrative Regulation -
5145.7 Sexual Harassment ----- (pg.217)
(5 mins.)*

X. BOARD AND SUPERINTENDENT COMMENTS

8:55 p.m.

XI. FUTURE AGENDA ITEMS

October
STAR Test Results
Finalize Sup. Evaluation (2011-2012 goals)
Board Self Evaluation
Quarterly Field Trip Report
Williams Quarterly Textbook Sufficiency
Tenure –Prob I &II Decisions
City Parks and Rec Bi-annual Report

XII. FUTURE BOARD MEETINGS

Tuesday	October 9, 2012	7:00 p.m.	Albany City Hall
Tuesday	October 23, 2012	7:00 p.m.	Albany City Hall
Tuesday	November 13, 2012	7:00 p.m.	Albany City Hall
Tuesday	November 27, 2012	7:00 p.m.	Albany City Hall
Tuesday	December 11, 2012	7:00 p.m.	Albany City Hall
Tuesday	January 8, 2013	7:00 p.m.	Albany City Hall
Tuesday	February 12, 2013	7:00 p.m.	Albany City Hall
Tuesday	March 12, 2013	7:00 p.m.	Albany City Hall

THURSDAY	March 28, 2013	7:00 p.m.	Albany Comm. Ctr.
Tuesday	April 9, 2013	7:00 p.m.	Albany City Hall
Tuesday	April 23, 2013	7:00 p.m.	Albany City Hall
Tuesday	May 14, 2013	7:00 p.m.	Albany City Hall
Tuesday	May 28, 2013	7:00 p.m.	Albany City Hall
Tuesday	June 11, 2013	7:00 p.m.	Albany City Hall
Tuesday	June 25, 2013	7:00 p.m.	Albany City Hall

XIII. ADJOURNMENT

*The Board believes that late night meetings deter public participation, can affect the Boards decision-making ability, and can be a burden to staff. Regular Board Meetings shall be adjourned at **9:30 p.m.** unless extended to a specific time determined by a majority of the Board.*

The Board of Education meeting packet is available for public inspection at: 1) Albany City Hall, 1000 San Pablo Avenue; 2) Albany Public Library, 1247 Marin Avenue; 3) Albany Unified School District, 1051 Monroe Street: and is available on the Albany Unified School District web site: www.ausdk12.org.

If you provide your name and/or address when speaking before the Board of Education, it may become a part of the official public record and the official minutes will be published on the Internet.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Superintendent's Office at 510-558-3766. Notification must be give forty-eight (48) hours prior to the meeting to make reasonable arrangements for accessibility (28 CFR 35.102.104 ADA Title II).



Albany Unified School District

ALBANY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION
1051 Monroe Street
Albany, CA 94706

MINUTES FOR REGULAR MEETING September 11, 2012

*Albany City Hall
1000 San Pablo Avenue
Albany, CA 94706*

I. OPENING BUSINESS 6:00 p.m.

A) Call to Order

President Black called the meeting to order at 6:05 p.m.

B) Roll Call

PRESENT: President Black, Vice President Knight, Member Low, Member Rosenbaum, and Member Maris.

STAFF: Superintendent Stephenson.

C) Identify Closed Session Pursuant to Section III Below

II. PUBLIC COMMENT PERIOD FOR CLOSED SESSION ITEMS

There being no business under this item, the Board moved to the next item on the agenda.

III. CLOSED SESSION

A) With respect to every item of business to be discussed in Closed Session pursuant to Government Code Section 54957:

- *Superintendent's Self Evaluation*

B) With respect to every item of business to be discussed in Closed Session pursuant to Government Code Section 54957:

- *Associate Superintendent's Contract*

C) With respect to every item of business to be discussed in Closed Session pursuant to Government Code Section 54957:

- *Pending Litigation*
i. Employee No. 2012-13-1

D) With respect to every item of business to be discussed in Closed Session pursuant to Education Code Section 35146: Students

E) With respect to every item of business to be discussed in Closed Session pursuant to Government Code Section 54957.6: *Conference with Labor Negotiator* (Superintendent Marla Stephenson, District Representative), Regarding Negotiations as pertains to:

- California School Employees Association (CSEA)

- Albany Teachers Association (ATA)
- SEIU Local 1021

IV. OPEN SESSION

A) Reconvene to Open Session

B) Roll Call

PRESENT: President Black, Vice President Knight, Member Low, Member Rosenbaum, Member Maris, and Student Board Members Yoon & Perry.

STAFF: Superintendent Stephenson; Associate Superintendent Harden; Marsha Brown, Director III Student Services; and Amanda Garcia, Aquatic Center Director.

There being no further business under this item, the Board moved to the next item on the agenda.

C) Pledge of Allegiance

The Board and members of the public recited the Pledge of Allegiance.

There being no further business under this item, the Board moved to the next item on the agenda.

D) Report of Action Taken in Closed Session

President Black reported that the Board took no action in closed session.

There being no further business under this item, the Board moved to the next item on the agenda.

E) Recognition of Albany Music Fund

Superintendent Stephenson presented a Certificate of Recognition to Albany Music Fund and complimented the organization for their commitment and dedication to the students of Albany Unified School District since 2002. The Board expressed their appreciation with a special note of gratitude from Student Board Member Perry who credits AEF for the opportunity to play in the band at Albany High School because of the funds raised by Albany Music Fund.

F) Recognition of SchoolCARE

Superintendent Stephenson presented a Certificate of Recognition to SchoolCARE and complimented the organization for their commitment to the students of Albany Unified School District since 2001. The Board expressed their appreciation for the successful fundraising of over two million dollars. Yael Bloom, SchoolCARE President extended an invitation for a fundraiser on Sunday, September 23, 2012 from 4:00 p.m. – 6:00 p.m. at the home of Amy & David Tick.

G) Recognition of PAHS

Superintendent Stephenson presented a Certificate of Recognition to PAHS and complimented the organization for their commitment and dedication to the students of Albany Unified School District. Board expressed their appreciation and noted an Albany Triathaolon fundraising event scheduled for Saturday, September 29, 2012.

H) Approval of Albany Unified School District Board of Education Agenda for the September 11, 2012 Meeting

President Black requested a motion to Approve: G) Albany Unified School District Board of Education Agenda for the September 11, 2012 meeting.

Motion by Member Maris, seconded by Member Rosenbaum to Approve: G) Albany Unified School District Board of Education Agenda for the September 11, 2012 meeting.

The Board was polled and passed unanimously. Members: President Black, Vice President Knight, Member Maris, Member Low and Member Rosenbaum voting AYE.

There being no further business under this item, the Board moved to the next item on the agenda.

I) Approval of Consent Calendar

(The Consent Calendar includes routine items that may be handled with one action. Board Members may request any item be removed from the Consent Calendar without formal action.)

a) Board of Education Minutes

- a. *Approve Minutes of the August 28, 2012 Regular Meeting with revisions.*

b) Personnel

a. Certificated Personnel Assignment Order

1) Extra Assignment

- a. Dept. Chair

2) New Hire

- a. Teacher
b. Teacher, Home/Hospital
c. Teacher, Substitute

c) Classified Personnel Assignment Order

1) Amendment

- a. Library Tech
b. Para-educator

2) New Hire

- a. Behaviorist, ESY
b. Lifeguard
c. Para-educator
d. Para-educator, Lead
e. Para-educator, Special Ed
f. Para-educator, Substitute
g. Swim Instructor
h. Yard Aide

3) Separation of Service

- a. Para-educator, Lead
b. Para-Educator, Sp Ed.

d) Business Services

- a. *Approve Resolution 2012-13-03 - Adoption of Annual Appropriations Limits
(Gann Limit)*

- b. *Approve Independent Contractor Agreement – Karen White for Albany Children’s Center Garden*

- c. *August Warrants*

4) Special Education

a. Approve Independent Contractor Agreement - Prindle Vaux

5) Board Policies & Bylaws

a) Adopt; Board Policies & By Laws:

- 1) 0410 – Nondiscrimination in District Programs and Activities*
- 2) 3515.2 - Disruptions*
- 3) 6145 – Extra-Curricular and Co-curricular Activities*
- 4) 6145.2 – Athletic Competition*
- 5) 7110 – Facilities Master Plan*
- 6) 9320 – Meetings & Notices*

- *The Board requested the removal of the following paragraph:*

“The Board shall hold two regular meetings each month. Regular meetings shall be held at 7:00 p.m. on the second and fourth Tuesday of each month and broadcast on local cable to KALB. The Board shall be in recess the month of July and there will be no regularly scheduled meetings during that time.”

President Black requested a motion to Revise & Approve: (H) Consent Calendar.

Motion by Member Rosenbaum, seconded by Vice President Knight to Revise & Approve: (H) Consent Calendar.

The Board was polled and passed unanimously. Members: Vice President Knight, Member Maris, Member Low and Member Rosenbaum voting AYE with President Black abstaining from check no. 50166966.

There being no further business under this item, the Board moved to the next item on the agenda.

V. STUDENT MEMBER REPORT

Student Board Members Yoon and Perry addressed the Board and provided the following Student Board Member Report.

I. General Albany High News

- A. First home games for football and volleyball teams took place last week.
- B. Back to School Night for AHS is on the evening of Sept. 19th.

II. Leadership Activity

- A. High school classes have begun preparations for the upcoming Homecoming Spirit Week competitions. (Homecoming is the week of Oct 15, 2012.)

III. Club Activity

- A. The Debate Club is planning on traveling to the Georgetown Debate Tournament at the end of this month, Fri. Sept 28 – Mon. Oct 1.
- B. Albany High will be hosting a debate tournament on Sat. Oct 6 for the Golden Gate Speech Association. The event is expected to attract several hundred debaters from across Northern California.
- C. Club Rush Day is next Wed. Sept 19 at lunch.
- D. BuildOn raised almost \$25,000 last year, which was short of the amount needed to build a school in Nepal (the country chosen to build in). That fundraising will be rolled over to the club's efforts this year, and the club is planning to make their goal and take a small group of AHS students to Nepal, hopefully over spring break. Students were out at the Solano Stroll this past weekend fundraising, and this summer two students and advisor Juliet Chiarella spent three days at a nation-wide buildOn conference with student representatives from high schools and colleges across the US.

IV. Other News

- A. Rhythm Bound performed this weekend at the Solano Stroll and collected donations for the Albany Music Fund.

Compliments on music performance at the Solano Stroll

Fri., 9/21 – Home football game

There being no further business under this item, the Board moved to the next item on the agenda.

VI. STAFF REPORTS

A) Albany Aquatic Center Update

Amanda Garcia, Aquatic Center Director provided the Board with an Albany Aquatic Center update noting that the district's goal is a self-supporting Aquatics Program. It was also noted that staff will continue to market, evaluate and adjust programs, operating hours and employee scheduling until the Aquatics program is self-supporting. It was also noted that staff will continue to vigilantly monitor registration, employee scheduling and daily use, and programs not meeting direct and overhead costs will be cancelled. Ms. Garcia reviewed with the Board the Albany Aquatic Center Activity Report & Budget covering activity totals and pool usage that ranges from February through August. The Board requested information regarding amounts and frequency of billing of facility fees. It was noted that the information will be provided at a later date. The Board requested information regarding the usage of the AUSD District Staff Pass. It was noted that approximately 58 staff hold the Aquatic Center District Passes and that the accumulated use is approximately \$2,400 since February 2012. The Board thanked Ms. Garcia for the report and complimented her on an excellent program (to view the comments, visit www.ausdk12.org).

VII. PERSONS TO ADDRESS THE BOARD ON MATTERS NOT ON THE AGENDA

Board practice limits each speaker to no more than three (3) minutes. The Brown Act limits Board ability to discuss or act on items which are not on the agenda; therefore, such items may be referred to staff for comment or for consideration on a future agenda.

Scott Strawbridge addressed the Board noting his frustrations with the process of Andrew Strawbridge both applying for COBRA medical insurance and filing a Uniform Complaint. Mr. Strawbridge informed the Board that he intends to file a law suit against AUSD regarding his son Andrew Strawbridge (to view the comments, visit www.ausdk12.org).

President Black explained that the Brown Act limits Board ability to discuss or act on items which are not on the agenda.

There being no further business under this item, the Board moved to the next item on the agenda.

Carrie Kartman, a parent of Albany Unified School district student, addressed the Board noting her frustrations with the lack of electives at the high school level.

President Black explained that the Brown Act limits Board ability to discuss or act on items which are not on the agenda.

There being no further business under this item, the Board moved to the next item on the agenda.

VIII. REVIEW AND ACTION ITEMS

A) Accept & Approve 2011-2012 Unaudited Actuals Financial Report

Associate Superintendent Harden addressed the Board regarding the 2011-2012 Unaudited Actuals Financial Report and presented multi-media presentation entitled Albany Unified School District 2011-2012 Unaudited Actuals Financial Report that included the following; 1) 2011-12 Unaudited Actuals; 2) 2011-2012 General Fund Ending Balance; 3) Revenue; 4) Expenditures/Transfers; 5) Other Funds; and 6) Concerns & Decisions. The Board engaged in a discussion and complimented Associate Superintendent Harden on an excellent presentation (to view the multi-media presentation and discussion visit www.ausdk12.org).

President Black requested a motion to: Accept & Approve 2011-2012 Unaudited Actuals Financial Report.

Motion by Member Rosenbaum, seconded by Member Low: Accept & Approve 2011-2012 Unaudited Actuals Financial Report.

The Board was polled and passed unanimously. Members: President Black, Vice President Knight, Member Maris, Member Low and Member Rosenbaum voting AYE.

There being no further business under this item, the Board moved to the next item on the agenda.

VIII. REVIEW AND DISCUSSION

The Board conducted the 1st reading of the following Board Policies and requested the items be placed on the agenda of the next regularly scheduled Board of Education meeting under the consent calendar for adoption with revisions where noted. The Board also reviewed the following Administrative Regulations (to view the comments, visit www.ausdk12.org).

A) Conduct 1st Reading, Discuss; Board Policy 5111 – Admission

Dr. Brown addressed the Board regarding Board Policy 5111 – Admission. It was noted that the policy was revised to reflect New Federal Guidance.

There being no further business under this item, the Board moved to the next item on the agenda.

B) Conduct 1st Reading, Discuss; Board Policy 5113 - Absences and Excuses

Dr. Brown addressed the Board regarding Board Policy 5113 - Absences and Excuses. It was noted that the policy was revised to reflect technical changes and an addition in effect of absences on a student's grades/credits.

There being no further business under this item, the Board moved to the next item on the agenda.

C) Conduct 1st Reading, Discuss; Board Policy 5113.1 - Chronic Absence and Truancy

Dr. Brown addressed the Board regarding Board Policy 5113.1 - Chronic Absence and Truancy. It was noted that the policy was retitled and revised in accordance with a new law (SB 1357).

There being no further business under this item, the Board moved to the next item on the agenda.

D) Conduct 1st Reading, Discuss; Board Policy 5131.62 – Tobacco

Dr. Brown addressed the Board regarding Board Policy 5131.62 – Tobacco. It was noted that the policy was revised in accordance with law and consistent with new law (SB 882, 2010).

There being no further business under this item, the Board moved to the next item on the agenda.

E) Conduct 1st Reading, Discuss; Board Policy 5145.11 – Questioning and Apprehension by Law Enforcement
Dr. Brown addressed the Board regarding Board Policy 5145.11 – Questioning and Apprehension by Law Enforcement. It was noted that the policy was revised to reflect a new court decision. The Board requested staff to research and determine if the term “prior to” can be used as opposed to “after” in reference to notifying the student’s parent/guardian when a student is interviewed by a law enforcement officer.

There being no further business under this item, the Board moved to the next item on the agenda.

F) Review Administrative Regulation 5111 – Admission

Dr. Brown addressed the Board regarding Administrative Regulation 5111 – Admission. It was noted that the administrative regulation was updated to reflect new laws (SB 1381, 2010).

There being no further business under this item, the Board moved to the next item on the agenda.

G) Review Administrative Regulation 5111.1 - District Residency

Dr. Brown addressed the Board regarding Administrative Regulation 5111.1 - District Residency. It was noted that the administrative regulation was updated to reflect new laws (SB 381) and (AB 207).

There being no further business under this item, the Board moved to the next item on the agenda.

H) Review Administrative Regulation 5111.13 - Residency for Homeless Children

Dr. Brown addressed the Board regarding Administrative Regulation 5111.13 - Residency for Homeless Children. It was noted that the administrative regulation was updated to delete key concepts incorporated into AR 5111.1 - District Residency.

There being no further business under this item, the Board moved to the next item on the agenda.

I) Review Administrative Regulation 5113 - Absences and Excuses

Dr. Brown addressed the Board regarding Administrative Regulation 5113 - Absences and Excuses. It was noted that the administrative regulation is mandated to reflect new law (AB 387).

There being no further business under this item, the Board moved to the next item on the agenda.

J) Review Administrative Regulation 5113.1 - Chronic Absence and Truancy

Dr. Brown addressed the Board regarding Administrative Regulation 5113.1 - Chronic Absence and Truancy. It was noted that the administrative regulation is mandated and retitled and revised to include new laws (SB 1357), (SB 1317), and (AB 1610).

There being no further business under this item, the Board moved to the next item on the agenda.

K) Review Administrative Regulation 5113.2 (new) - Work Permits

Dr. Brown addressed the Board regarding Administrative Regulation 5113.2 (new) - Work Permits. It was noted that the administrative regulation was updated to reflect new law (AB 66).

There being no further business under this item, the Board moved to the next item on the agenda.

L) Review Administrative Regulation 5141.31 – Immunizations

Dr. Brown addressed the Board regarding Administrative Regulation 5141.31 – Immunizations. It was noted that the administrative regulation was updated to reflect new law (AB 354).

There being no further business under this item, the Board moved to the next item on the agenda.

M) Review Administrative Regulation 5141.4 - Child Abuse Prevention and Reporting

Dr. Brown addressed the Board regarding Administrative Regulation 5141.4 - Child Abuse Prevention and Reporting. It was noted that the administrative regulation was updated to reflect new laws (AB 2380) and (AB 2339).

There being no further business under this item, the Board moved to the next item on the agenda.

IX. BOARD AND SUPERINTENDENT COMMENTS

Superintendent Stephenson

Superintendent Stephenson addressed the Board and noted the following Back to School Nights:

1. Albany High School – Wednesday, September 19, 2012 at 7:00 p.m.
2. MacGregor High School – Wednesday, September 19, 2012 at 7:00 p.m.
3. Albany Middle School – Thursday, September 20, 2012 at 7:00 p.m.

Member Rosenbaum

Member Rosenbaum addressed the Board and noted that he attended a talk given by Johnathan Kozol regarding teaching to the test rather than teaching students to think. It was noted that the talk was held at Martin Luther King Jr. Middle School in Berkeley and was sponsored by Berkeley Federation of Teachers, Oakland Education Association, and KPFA radio.

President Black

President Black addressed the Board and noted that he attended a meeting with Brian Hyland, Director of Technology; Dax Kajiwar, Technology Technician; and Jackie Manibusan, Executive Assistant to Support Services regarding the implementation of paperless Board of Education meetings. It was noted that an additional meeting will take place on Friday, September 14, 2012 that Superintendent Stephenson will attend after which President Black will report back to the Board.

There being no further business under this item, the Board moved to the next item on the agenda.

X. FUTURE BOARD MEETINGS

<i>THURSDAY</i>	September 27, 2012	7:00 p.m.	Cornell Elementary School (multi-purpose room)
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There being no further business, the Board adjourned at 9:40 p.m.

XI. ADJOURNMENT

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board Meetings shall be adjourned at 9:30 p.m. unless extended to a specific time determined by a majority of the Board.

Personnel Assignment Order: Pending approval, non confidential

BOE Meeting 9/27/2012

Class Certificated

Category: Extra Assignment

<i>Position</i>	<i>Name</i>	<i>Reason</i>	<i>Site</i>	<i>FTE/Amt</i>	<i>Effec Date</i>	<i>End Date</i>	<i>Action</i>	<i>Funding</i>
Dept. Chair	Bryant, Craig		AHS		12/13 SY		Approve	GF
Dept. Chair	Buck-Bauer, Marguerite		AHS		12/13 SY		Approve	GF
Dept. Chair	Castle, jeff		AHS		12/13 SY		Approve	Site
Dept. Chair	DeHart, Karen		AHS		12/13 SY		Approve	GF
Dept. Chair	Grogans, Tedra		AHS		12/13 SY		Approve	Site
Dept. Chair	Lim-McAlister, Pam		AHS		12/13 SY		Approve	GF
Dept. Chair	McNally, Darren		AHS		12/13 SY		Approve	GF
Dept. Chair	Purdom, Ned		AHS		12/13 SY		Approve	GF
Dept. Chair	Vasarhely, Stephanie		AHS		12/13 SY		Approve	GF
Noontime Activities Coordinator	Gildersleeve, Joel		CO		12/13 SY		Approve	GF

BOE Meeting **9/27/2012**

Noontime Activities Coordinator	Lew, Richard	AMS	12/13 SY	Approve	GF
Noontime Activities Coordinator	Place, Martin	AMS	12/13 SY	Approve	GF
Teacher Leader	Allen, Julie	MA	12/13 SY	Approve	SLIBG
Teacher Leader	Davis, Sally	OV	12/13 SY	Approve	GF
Teacher Leader	Donovan, Rochelle	MA	12/13 SY	Approve	SLIBG
Teacher Leader	Dunn, Beth	OV	12/13 SY	Approve	GF
Teacher Leader	Fox-Reynolds, Karen	MA	12/13 SY	Approve	GF
Teacher Leader	Lou, Pansy	MA	12/13 SY	Approve	GF
Teacher Leader	McDonald, Molly	MA	12/13 SY	Approve	SLIBG
Teacher Leader	Meltzer, Diane	MA	12/13 SY	Approve	GF
Teacher Leader	Merlino, Marilyn	OV	12/13 SY	Approve	GF
Teacher Leader	Millard-Naylor, Michelle	OV	12/13 SY	Approve	Site
Teacher Leader	Obata, Wilbur	MA	12/13 SY	Approve	SLIBG
Teacher Leader	Sinclair, Michelle	OV	12/13 SY	Approve	GF

BOE Meeting 9/27/2012

Teacher Leader	Theriault, Renee	OV	12/13 SY	Approve	Site
Teacher Leader	Yoo, Dina	OV	12/13 SY	Approve	Site

Category: New Hire

Position	Name	Reason	Site	FTE/Amt	Effec Date	End Date	Action	Funding
Teacher	Garcia, David		AHS		9/5/12	6/14/13	Approve	GF
Teacher	Janinis, David		MA		8/28/12	6/14/13	Approve	GF
Teacher	Tattersall, Jamie		MA		10/1/12	6/14/13	Approve	GF
Teacher	Valadez-Soto, Rosianna		AHS		9/20/12	6/14/13	Approve	GF
Teacher, Home/Hospital	Owens, Sean		DW		9/28/12		Approve	GF
Teacher, Sub	Chang, Sarah		DW		9/28/12		Approve	GF

Category: Separation of Service

Position	Name	Reason	Site	FTE/Amt	Effec Date	End Date	Action	Funding
Teacher	Wasserman, Ann		AAS		9/1/12		Approve	

Class Classified**Category: Amendment**

Position	Name	Reason	Site	FTE/Amt	Effec Date	End Date	Action	Funding
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BOE Meeting **9/27/2012**

Library Tech	Tran, DeeAnn	OV	8/28/12	Approve	GF
Para-educator	Alaei, Dalileh	ACC		Approve	
Para-educator	Gurung, Surbhi	ACC		Approve	
Para-educator	Lui, Wei Chun	ACC	8/28/12	Approve	ACC
Para-educator	Safaie, Shabanam	ACC		Approve	
Para-educator	Stendal, Melody	ACC		Approve	
Para-educator, ELD	Kalgutkar, Anjali	AHS	10/1/12	6/14/13	Approve SC
Para-educator, ELD	Sakauye, Debra	AMS	8/29/12	6/14/13	Approve EIA

Category: New Hire

Position	Name	Reason	Site	FTE/Amt	Effec Date	End Date	Action	Funding
Athletic Director	Lopez, Ezequiel		AHS		12/13 SY		Approve	PAHS
Athletic Director	Lopez, Ezequiel		AHS		12/13 SY		Approve	GF
Coach, Golf, Women	Lee, Joanne		AHS		12/13 season		Approve	GF
Don fund sup art tch	Rose, Betsy		CO		9/20/12	06/14/13	Approve	Donations
Don fund sup music tch	Lockhart, Bonnie		CO		9/20/12	06/14/13	Approve	Donations

BOE Meeting **9/27/2012**

Instructor	Burentugs, Munkhtuguld	Pool	9/28/12	Approve	Pool
Lifeguard	Burentugs, Munkhtuguld	Pool	9/28/12	Approve	Pool
Lifeguard	Garside, Tara	Pool	9/28/12	Approve	Pool
Lifeguard	Nelson, Drew	Pool	9/28/12	Approve	Pool
Para-Educator	Curtis, Sonia	ACC	9/10/12	Approve	ACC
Para-educator, Sp ed, sub	Quesada, Roberto	DW	9/20/12	Approve	Sp Ed
Para-educator, Sub	Chang, Sarah	DW	9/28/12	Approve	GF or Sp ed
Para-educator, sub	Hiller, Anne	DW	8/29/12	Approve	Lottery
Para-educator, sub	Ronfeldt, Suzy	DW	8/29/12	Approve	GF
Para-educator, sub	Schiller, Nancy	DW	8/29/12	Approve	Lottery
Para-educator, sub	Sosa, Janet	DW	8/29/12	Approve	GF
Para-educator, sub	Woods, Cornelius	DW	9/20/12	Approve	GF or Sp Ed
Swim Instructor	Garside, Tara	Pool	9/28/12	Approve	Pool
Swim Instructor	Nelson, Drew	Pool	9/28/12	Approve	Pool

BOE Meeting 9/27/2012

Yard Aide	Bowie, Micah	OV	10/1/12	Approve	GF
Yard Aide	Kim, Bo	OV	9/10/12	Approve	GF
Yard Aide	Marshall, Allison	CO	9/20/12	Approve	GF
Yard Aide	Woods, Cornelius	OV	9/20/12	Approve	GF
Yard Aide	Yee, Delma	ACC	8/29/12	Approve	ACC

Category: Separation of Service

<i>Position</i>	<i>Name</i>	<i>Reason</i>	<i>Site</i>	<i>FTE/Amt</i>	<i>Effec Date</i>	<i>End Date</i>	<i>Action</i>	<i>Funding</i>
Lifeguard, Swim Instructor	Scarpa, Joseph		Pool		8/31/12		Approve	

Category: Student Worker

<i>Position</i>	<i>Name</i>	<i>Reason</i>	<i>Site</i>	<i>FTE/Amt</i>	<i>Effec Date</i>	<i>End Date</i>	<i>Action</i>	<i>Funding</i>
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See Attached

Class Uncompensated Service**Category: Intern**

<i>Position</i>	<i>Name</i>	<i>Reason</i>	<i>Site</i>	<i>FTE/Amt</i>	<i>Effec Date</i>	<i>End Date</i>	<i>Action</i>	<i>Funding</i>
	Bronwen, Morgan				8/29/12		Approve	
	Hernandez, Zenaida				9/1/12		Approve	

BOE Meeting **9/27/2012**

Yang, Chunyan

9/28/12

Approve

Category: Volunteer

<i>Position</i>	<i>Name</i>	<i>Reason</i>	<i>Site</i>	<i>FTE/Amt</i>	<i>Effec Date</i>	<i>End Date</i>	<i>Action</i>	<i>Funding</i>
	Abeck, Heike				9/28/12		Approve	
	Chan, Gina				9/28/12		Approve	
	Chang, Ruth				9/5/12		Approve	
	Chang, Sarah				9/28/12		Approve	
	Chuang, Carl				9/28/12		Approve	
	DaSilva, Renu				9/28/12		Approve	
	Donaldson, Pat				9/13/12		Approve	
	Eichner, Danielle				9/28/12		Approve	
	Feldman, Genevieve				9/28/12		Approve	
	Griffin, Jason				8/30/12		Approve	
	Ikeda, Richard				9/28/12		Approve	
	Joffe, Stephany				9/28/12		Approve	

BOE Meeting **9/27/2012**

Keller, Tamara	9/28/12	Approve
Kim, Yoon J	9/28/12	Approve
Kurtz, Anna	8/27/12	Approve
Moretblyden, Desiri	9/28/12	Approve
Riggs, Laura	9/12/12	Approve
Rome, Alyssa	9/28/12	Approve
Sasso, Mary Lynn	8/28/12	Approve
Thompson, Margaret	8/30/12	Approve

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**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of September 27, 2012

ITEM: **APPROVE MUSIC COORDINATOR JOB DESCRIPTION**

PREPARED BY: Cynthia Attiyeh, Human Resources Administrator

TYPE OF ITEM: **CONSENT**

BACKGROUND INFORMATION:

As district needs change, positions and related responsibilities for the positions must be updated. The Music Coordinator will support the K-12 music program by coordinating district musical performances as well as scheduling guest musical artists for the schools. This hourly position will be paid at the teacher hourly rate.

FINANCIAL INFORMATION:

Funding Source: Albany Music Fund

RECOMMENDATION: Approve the Music Coordinator Job Description

POSITION DESCRIPTION: Under the direction of the Director III this position supports and coordinates the K-12 music program..

REPRESENTATIVE DUTIES: E = Essential Duties The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

1. Coordinate and schedule guest musical artists for the schools E
2. Coordinate and schedule all district musical performances E
3. Liaise with site and district staff regarding the music program E
4. Conduct regular meetings with district music staff E
5. Monitor and manage budget allocation E
6. Other duties as assigned E

KNOWLEDGE OF: Music curriculum and programs, meeting facilitation structures

ABILITY TO: Communicate effectively orally and in writing; establish and maintain effective working relationships with employees, supervisors, other agencies, participants, community leaders, and the general public; make appropriate use of resources; demonstrate professional conduct; maintain effective working relationships with a diverse community

TOOLS AND EQUIPMENT USED: computer including Microsoft software, copy and fax machine; phone; automobile; transit system; office equipment typically found in an office environment

PHYSICAL DEMANDS: While performing the duties of this job, the employee is frequently required to walk, sit and talk or hear; specific vision abilities required by this job-includes close vision and the ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The noise level in the work environment is usually quiet while in the office, and moderately loud when in the field.

QUALIFICATIONS/REQUIREMENTS:

1. High school diploma or equivalent
2. Musical background preferred

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of Sept 28, 2012

ITEM: **APPROVE THE SCHOOL PSYCHOLOGY PRACTICUM
AGREEMENT BETWEEN ALBANY UNIFIED SCHOOL
DISTRICT AND UNIVERSITY OF DELAWARE**

PREPARED BY: Cynthia Attiyeh, Human Resources Administrator

TYPE OF ITEM: **CONSENT**

BACKGROUND INFORMATION:

This practicum agreement between the Albany Unified School District and University of Delaware is mutually beneficial to both parties. The University of Delaware student enrolled in its School Psychology Program develops “hands on” experience while staff develops mentoring skills and receives information about the most current information about effective methods in the fields of School Psychology.

Many of the University of Delaware’s doctoral students complete their internships at locations around the country. Kathleen Minke, Ph.D., NCSP, University Program Coordinator is confident that the doctorate student, her supervisor, and the Albany Unified School District will benefit from the experience.

FINANCIAL INFORMATION:

Funding Source: N/A

<p><u>RECOMMENDATION:</u> Approve the psychology practicum agreement between AUSD and University of Delaware</p>

SCHOOL PSYCHOLOGY PRACTICUM AGREEMENT

This agreement is entered into by and among the University of Delaware's School Psychology Program (the University), the Albany (CA) Unified School District.

The Albany Unified School District agrees that **Chunyan Yang** is designated as a school psychology practicum student by the University of Delaware School Psychology Program, and that the practicum is a required educational experience as part of the training sequence in school psychology. The Practicum shall be conducted in accordance with University of Delaware Practicum Guidelines and Syllabus (attached).

The school psychology practicum student is required to complete a minimum of 150 clock hours by working two days per week between September and December. Work dates and hours shall be the same as those required of other school psychologists in the District.

AND IT IS FURTHER AGREED:

- (1) That the practicum student shall be supervised by an on-site supervisor who is provided adequate release time and who is a certified school psychologist with at least three years of experience.
- (2) That the practicum student shall function according to the Practicum Guidelines.
- (3) That the practicum student shall be in compliance with all District rules governing professional conduct.
- (4) That the District provide the practicum student an appropriate work environment, including adequate supplies, materials, secretarial services, and office space.
- (5) That the practicum student is not, shall not act as, an authorized agent or employee of the University or any of its departments or programs.

IN TESTIMONY WHEREOF we have hereunto subscribed our names on dates as hereinafter stated.

District Representative, Albany Unified School District

(Date)



Kathleen Minke, Ph.D., NCSP, University Program Coordinator

9/12/2012
(Date)

Chunyan Yang, Practicum Student

(Date)

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of September 27, 2012

ITEM: **APPROVE THE TERMS OF AGREEMENT (Field Experience Participant/Student Teaching) BETWEEN AUD AND CALSTATE TEACH**

PREPARED BY: Cynthia Attiyeh, Human Resources Administrator

TYPE OF ITEM: **CONSENT**

BACKGROUND INFORMATION:

CalState TEACH is a four term multiple subject credential program of the California State University. This terms of agreement (Field Experience Participant/Student Teaching) between the Albany Unified School District and CalState TEACH is mutually beneficial to both parties. The CalState TEACH student enrolled in teacher training receives structured, “hands-on” experience in the specified field and the district maintains positive relations with a local university. In addition, staff develops mentoring skills and receives information about the most current information about effective methods in the fields of teaching.

CalState TEACH is a multiple subject credential program of the California State University. They offer both intern and Student Teaching options and is managed through Regional Centers located on the following CSU campuses: Fresno, Fullerton, Los Angeles and Monterey Bay. Their students are located throughout the state.

FINANCIAL INFORMATION:

Funding Source: N/A

<p><u>RECOMMENDATION:</u> Approve the terms of agreement between AUD and CalState TEACH</p>
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CalStateTEACH
*California State University
Teacher Preparation Program*
**TERMS OF AGREEMENT
PUBLIC SCHOOL DISTRICTS**
Field Experience Participant / Student Teaching
CalStateTEACH and the Albany City Unified School District

About CalStateTEACH: CalStateTEACH is a multiple subject credential program of the California State University. Its goal is to prepare creative, collaborative and reflective teachers for California's future. It is a four term credentialing program [10 - 12 hours-per-week in a school-based field-experience in Terms 1 and 2 (Field Experience Participant); 10 - 17.5 hours-per-week in Term 3 (Initial Student Teaching); and full-time student teaching in Term 4 (Final Student Teaching). It is managed through Regional Centers located on the following CSU campuses: Fresno, Fullerton, Los Angeles and Monterey Bay.

Purpose of the Agreement:

To engage the **Albany City Unified School District and CalStateTEACH** in a partnership to provide support for the preparation of CalStateTEACH candidates in the District. This partnership will be concentrated in the activities of three individuals: the CalStateTEACH Field Experience Participant / Student Teacher, the faculty representative of the CSU, hereinafter referred to as the assigned Faculty, and a mentor teacher from the School, hereinafter referred to as the Cooperating Teacher or Master Teacher. CalStateTEACH does not demand or require any exclusive arrangement with the District. The District is obligated only to provide appropriate support for CalStateTEACH credential candidate and staff to reach the common goal of placing fully credentialed teachers in California classrooms.

Overview of this Agreement:

CalStateTEACH agrees to provide multiple subjects coursework, student professional liability insurance, and university supervision for each participating candidate, and the District agrees to provide them with a faculty mentor and appropriate support.

CalStateTEACH agrees to do the following:

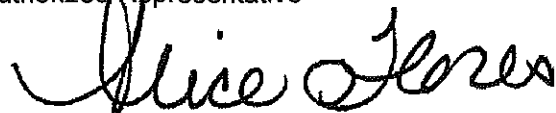
1. Give highest priority in admissions to qualified applicants whom the District may ultimately wish to offer position(s) as a Multiple Subjects teacher(s).
2. Provide candidates with student professional liability insurance through the CSU Student Professional Liability Insurance Program which shall cover general liability, professional liability, and educator's errors & omissions liability. More information about the insurance policy can be found at <http://bfa.sdsu.edu/prosrvc/s/pdf/splip.pdf>.
3. Cooperate to the fullest extent possible to assist the School and District to reach its goals of providing quality educational experiences for its students by conducting all activities with respect to preparing candidates in an unobtrusive, efficient, and supportive manner.
4. Provide a subject-matter competence evaluation of the applicant's transcripts, an on-line diagnostic to determine candidates' subject matter preparation or candidates' readiness to pass CSET.
5. Provide assistance to all candidates who are not yet subject matter qualified to reach subject matter competence.

6. Provide each candidate with a high quality program of study which integrates program assignments with the candidate's classroom teaching.
7. Establish a Central Advisory Board for the CalStateTEACH program and encourage the District to participate on the Board.
8. Provide each candidate with an assigned Faculty member who will make regular visits to the classroom, evaluate lessons and give specific feedback, confer with the principal and staff as needed, and act as program advisor.
9. Provide orientation materials to both the school cooperating or master teacher and the principal.
10. Communicate regularly with the principal and the school cooperating or master teacher, as well as provide the opportunity for them to give feedback on any aspect of the program and staff.
11. Provide an on-going, faculty-facilitated online forum for all candidates in the group, with regular opportunities for discussion, problem solving, peer interaction and access to the assigned Faculty member.
12. Assist District candidates in processes related to enrollment, financial aid, and ultimately a preliminary credential application.
13. Provide a series of seminars for candidates in the Program.

The School and District agree to do the following:

1. Nominate a fully credentialed teacher with at least 3 years teaching experience and authorization to work with English learners to serve as a cooperating or master teacher for each participating candidate. This should be a current elementary teacher in the School.
2. Ensure that cooperating or master teachers have sufficient opportunity to observe, coach and guide the candidate.
3. Upon the request of the assigned Faculty, assure the participation of the school principal in specific CalStateTEACH candidate progress reviews or evaluations.
4. Provide additional resources (such as staff development, exemplary classroom observations, additional mentoring) as needed to promote the success of candidates in difficult assignments.
5. Ensure that each candidate has access to technological resources available at the school site.

Signature of School Principal, District Superintendent,
or Authorized Representative



Signature of the CalStateTEACH Regional Director

Date Signed

08/30/12

Date Signed

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of September 27, 2011

ITEM: **APPROVE THE INTERN AGREEMENT BETWEEN AUSD
AND CALSTATE TEACH**

PREPARED BY: Cynthia Attiyeh, Human Resources Administrator

TYPE OF ITEM: **CONSENT**

BACKGROUND INFORMATION:

This intern agreement between the Albany Unified School District and CalStateTEACH is mutually beneficial to both parties. The intern enrolled in teacher training develops “hands on” experience and the district maintains positive relations with a local university. In addition, staff develops mentoring skills and receives information about the most current information about effective methods in the fields of teaching.

CalState TEACH is a multiple subject credential program of the California State University. They offer both intern and Student Teaching options and is managed through Regional Centers located on the following CSU campuses: Fresno, Fullerton, Los Angeles and Monterey Bay. Their students are located throughout the state.

FINANCIAL INFORMATION:

Funding Source: N/A

<p><u>RECOMMENDATION:</u> Approve the intern agreement between AUSD and CalState TEACH</p>


CalStateTEACH
*California State University
Teacher Preparation Program*

TERMS OF AGREEMENT PUBLIC SCHOOL DISTRICTS

Intern Teaching

CalStateTEACH and the Albany Unified School District

About CalStateTEACH: CalStateTEACH is a multiple subject credential program of the California State University. Its goal is to prepare creative, collaborative and reflective teachers for California's future. It offers an Intern as well as a Student Teaching option and is managed through Regional Centers located on the following CSU campuses: Fresno, Fullerton, Los Angeles and Monterey Bay.

Purpose of the Agreement:

To engage the **Albany Unified** School District and CalStateTEACH in a partnership to provide support for the preparation of CalStateTEACH intern candidates in the District. This partnership will be concentrated in the activities of three individuals: the CalStateTEACH candidate, the faculty representative of the CSU, hereinafter referred to as the assigned Faculty, and a mentor teacher from the school, hereinafter referred to as the School Site Mentor. CalStateTEACH does not demand or require any exclusive arrangement with the District. The District is obligated only to provide appropriate support for CalStateTEACH candidates and staff to reach the common goal of placing fully credentialed teachers in California classrooms.

Overview of this Agreement:

CalStateTEACH agrees to provide multiple subject credential coursework and university supervision for each participating candidate, and the District agrees to provide intern candidates with a School Site Mentor and appropriate support.

CalStateTEACH agrees to do the following:

1. Give highest priority in admissions to qualified applicants whom the District wishes to offer positions as multiple subject teachers.
2. Cooperate to the fullest extent possible to assist the School and District to reach its goals of providing quality educational experiences for its students by conducting all activities with respect to preparing interns in an unobtrusive, efficient and supportive manner.
3. Provide each candidate with a high quality program of study which integrates program assignments with the candidate's classroom teaching.
4. Establish a Central Advisory Board for the CalStateTEACH program and encourage the District to participate on the Board.
5. Provide each candidate with an assigned Faculty member who will make regular visits to the classroom, evaluate lessons and give specific feedback, confer with the principal and staff as needed, and act as program advisor.
6. Provide orientation materials to both the School Site Mentor and the principal.


CalStateTEACH
*California State University
Teacher Preparation Program*

7. Communicate regularly with the principal and the School Site Mentor, as well as provide the opportunity for them to give feedback on any aspect of the program and staff.
8. Provide stipends for Intern School Site Mentors, per term of the program, for the costs of assisting each candidate who obtains a qualifying CalStateTEACH Intern Credential.
9. Provide an on-going, faculty-facilitated online forum for all candidates in the group, with regular opportunities for discussion, problem solving, peer interaction and access to the assigned Faculty member.
10. Assist District candidates in processes related to enrollment, financial aid, and credential application, including applying for the CalStateTEACH Intern Credential through the CSU lead campus.
11. Provide a series of seminars for candidates in the program.

The school and district agree to do the following:

1. Nominate a fully credentialed teacher with at least 3 years teaching experience and authorization to work with English learners to serve as a School Site Mentor for each participating intern candidate. This should be a current elementary teacher in the school. In cases where there are no appropriate personnel available, a retired teacher may be considered.
2. Ensure that School Site Mentors have sufficient opportunity to observe, coach and guide the candidate. (Approximately two hours per week will be needed, one hour of which should be in direct classroom observation or modeling during the candidate's teaching day.)
3. Upon the request of the assigned Faculty, assure the participation of the school principal in specific CalStateTEACH candidate progress reviews or evaluations.
4. Provide additional resources (such as staff development, exemplary classroom observations, additional mentoring) as needed to promote the success of candidates in difficult assignments.
5. Ensure that each candidate has access to technological resources available at the school site.

Signature of Superintendent or Authorized Representative
Signed

Date

Signature of the CalStateTEACH Regional Director
Signed

9/12/12

Date

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of September 27, 2012

ITEM: Annual Accounting of Developer Fees for the 2011-12 Fiscal Year

PREPARED BY: Laurie Harden, Assistant Superintendent, Business Services

TYPE OF ITEM: *Consent Agenda*

BACKGROUND INFORMATION:

In accordance with Government Code Section 66006 (b), the Albany Unified School District must provide an annual accounting of the Capital Facilities Fund for the collection and accounting of Developer Fees.

Government Code Section 66006 (b) requires local agencies, including school districts, which collect developer fees, to provide an annual accounting of those fees within 180 days of the close of each fiscal year.

Each accounting must include:

1. The amount of the fee.
2. The beginning and ending balances of the account.
3. The amount of the fees collected and the interest earned during the fiscal year.
4. An identification of each public improvement project for which fees were expended.

During the 2011-12 fiscal year, the Albany Unified School District levied developer fees at the following rates:

Residential Developer Fees in the amount of \$2.97 per square foot of assessable space of residential construction.

Commercial Developer Fees in the amount of \$.47 cents per square foot of covered and enclosed space of commercial/industrial construction.

Effective August 5, 2012, the rates increased to \$3.50 per square foot of assessable space of residential construction and \$.51 center per square foot of commercial/industrial construction.

RECOMMENDATION: It is recommended that the Board approve the Annual Accounting of Developer Fees report for the 2011-12 fiscal year.

ANNUAL REPORT OF DEVELOPER FEES

School District Name:	<u>Albany Unified School District</u>
Reporting Period:	<u>July 1, 2011 - June 30, 2012</u>
Date Report Made Available to the Public:	<u>September 27, 2012</u>
Date Report Presented to the Board:	<u>September 27, 2012</u>

DESCRIPTION OF THE TYPE AND AMOUNT OF THE FEE

This district has levied school facilities fees pursuant to various resolutions, the most recent of which is dated May 2012. These resolutions were adopted under the authority of Government Code Section 53080 for the purpose of funding the construction or reconstruction of school facilities.

The amount collected by this district is \$2.97 per square foot of assessable space of residential construction; and \$.47 per square foot of covered and enclosed space of commercial/industrial construction; but subject to the district's determination that a particular project is exempt from all or part of these fees.

**ANNUAL DEVELOPER FEE REPORT
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE YEAR ENDED JUNE 30, 2012**

DESCRIPTION	ACCOUNT CODE	TOTALS	GENERAL Developer Fee Study	PROJECT 001 Cornell Portables	PROJECT	PROJECT	PROJECT
<i>BEGINNING BALANCE</i>		46,292.87	-	-	-	-	-
REVENUE							
Mitigation/Developer Fees (Schedule A)	8681	28,119.46	-	-	-	-	-
Interest Income	8660	202.66	-	-	-	-	-
Other Income	8699	-	-	-	-	-	-
Refund (Schedule C)	8681	-					
TOTAL REVENUE		28,322.12	-	-	-	-	-
EXPENDITURES							
Books and Supplies	4000-4999	-					
Materials and Supplies	4300	-					
Non-Capitalized Equipment	4400	-					
		-					
Services, Other Operating Expenses	5000-5999	-					
Travel & Conference		-					
Architect/Construction Services		-					
Rentals, Leases and Repairs		15,728.52		15,728.52			
Other Services & Operating Expenses		4,680.00	4,680.00				
Utility Costs		-					
		-					
Capital Outlay	6000-6599	-					
Sites & Improvements of Sites		-					
Buildings & Improvements		-					
		-					
OTHER FINANCING SOURCES/USES		-					
Transfers Out	7610-7629	-					-
Inderect	7630-7699	-	-	-	-	-	-
Debt Service		-					
		-					
TOTAL OTHER SOURCES/USES		-					
TOTAL EXPENDITURES		20,408.52	4,680.00	15,728.52	-	-	-
<i>ENDING BALANCE</i>		\$ 54,206.47					

**ANNUAL DEVELOPER FEE REPORT
SCHEDULE OF MITIGATION/DEVELOPER FEES
FOR THE PERIOD ENDED JUNE 30, 2011**

DEPOSIT			PERMIT				
REF	NUMBER	AMOUNT	DATE	ADDRESS	FEES		
	AR12-00042	\$ 1,555.69	7/8/2011	1515 Francis	\$ 1,555.69		
	AR12-00056	\$ 12,186.21	7/29/2011	963 Curtis	\$ 3,569.44		
			7/29/2011	1083 Peralta	\$ 2,713.81		
			7/29/2011	887 Washington	\$ 1,737.18		
			7/15/2011	1109 Garfield	\$ 4,165.78		
	AR12-00087	\$ 5,283.57	9/16/2011	531 Stannage	\$ 3,578.08		
			9/23/2011	645 Madison	\$ 1,705.49		
	AR12-00207	\$ 2,419.96	3/2/2012	1021 Peralta	\$ 2,419.96		
	AR12-00250	\$ 6,674.03	4/27/2012	1471 Portland	\$ 3,306.26		
			4/20/2012	835 Evelyn	\$ 3,367.77		
	Total	\$ 28,119.46		Total	\$ 28,119.46		

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of September 27, 2012

ITEM: **APPROVE THE EXTENDED FIELD TRIP REQUEST FOR THE ALBANY HIGH SCHOOL DEBATE CLUB TO ATTEND THE GEORGETOWN UNIVERSITY DEBATE TOURNAMENT IN WASHINGTON, D.C.**

PREPARED BY: Marsha A. Brown, Director III - Student Services

TYPE OF ITEM: **CONSENT**

BACKGROUND INFORMATION:

Dates of Trip:

September 28 – October 1, 2012

Students will depart San Francisco Airport at 6:00 a.m. on Friday, September 28th and return at 9:55 p.m. on Monday, October 1st. Two school days will be missed.

Description of Trip:

Approximately 6 students will participate in the debate trip.

X Standard Field Trip Request

FINANCIAL INFORMATION:

Funding Source: students and their families

RECOMMENDATION:

APPROVE THE EXTENDED FIELD TRIP REQUEST FOR THE ALBANY HIGH SCHOOL DEBATE CLUB TO ATTEND THE GEORGETOWN UNIVERSITY DEBATE TOURNAMENT SEPTEMBER 28 – OCTOBER 1, 2012 IN WASHINGTON, D.C.

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of September 27, 2012

ITEM: **APPROVE INDEPENDENT CONTRACTOR AGREEMENT
BETWEEN ALBANY UNIFIED SCHOOL DISTRICT AND SUSAN
BLEVINS, R.N., FOR MANDATED HEALTH SCREENING
SERVICES FOR THE 2012-13 SCHOOL YEAR**

PREPARED BY: Marsha A. Brown, Director III – Student Services

TYPE OF ITEM: **CONSENT**

BACKGROUND INFORMATION:

Dates of Service:

October 1, 2012 – June 14, 2013

Description of Services:

Provide mandated vision and hearing screening for all students in kindergarten, 2nd, 5th, 8th, and 10th grades, and all students receiving special education services.

Contractor will complete all required paperwork related to referrals at individual school and final statistical reports.

Contractor will provide all equipment needed, including an audiometer that has been calibrated annually.

Number of Students: 1,461 (approximately)

Rate: \$6,000 (lump sum), upon completion of specified work.

Cost not to exceed: \$6,000

X Standard Contract

 Contract deviates from Standard Contract. Description below.

FINANCIAL INFORMATION:

Funding Source: General Education

RECOMMENDATION:

Approve the Independent Contractor Agreement between Albany Unified School District and Susan Blevins, R.N., for mandated health screening services for the 2012-13 school year.

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of September 27, 2012

ITEM: **APPROVE INDEPENDENT CONTRACTOR AGREEMENT
BETWEEN ALBANY UNIFIED SCHOOL DISTRICT AND
CONSTANCE BRIZEE, R.N., FOR MANDATED HEALTH
SCREENING SERVICES FOR THE 2012-13 SCHOOL YEAR**

PREPARED BY: Marsha A. Brown, Director III – Student Services

TYPE OF ITEM: **CONSENT**

BACKGROUND INFORMATION:

Dates of Service:

October 1, 2012 – June 14, 2013

Description of Services:

Provide mandated vision and hearing screening for all students in 8th and 10th grades, and all students receiving special education services.

Contractor will complete all required paperwork related to referrals at individual school and final statistical reports.

Contractor will provide all equipment needed, including an audiometer that has been calibrated annually.

Number of Students: 1,461 (approximately)

Rate: \$1,200 (lump sum) upon completion of services.

Cost not to exceed: \$1,200

X Standard Contract

 Contract deviates from Standard Contract. Description below.

FINANCIAL INFORMATION:

Funding Source: General Education

RECOMMENDATION:

Approve the Independent Contractor Agreement between Albany Unified School District and Constance Brizee, R.N., for mandated health screening services for the 2012-13 school year.

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of September 27, 2012

ITEM: **APPROVE INDEPENDENT CONTRACTOR AGREEMENT
AMENDMENT BETWEEN ALBANY UNIFIED SCHOOL
DISTRICT AND JOANNE WILE FOR GRANT COORDINATION
AND OVERSIGHT**

PREPARED BY: Marsha A. Brown, Director III – Student Services

TYPE OF ITEM: **Consent**

BACKGROUND INFORMATION:

On August 24, 2012, the Board approved an amendment to the independent contractor agreement with Joanne Wile for grant coordination and oversight, not to exceed \$1,000 (two hours per month). After close review of the contract, scope of services and oversight responsibilities, staff determined that additional time (approximately eight hours per month) will be necessary to meet the requirements of the grant. The contractor has agreed to provide the additional time and oversight of the grant operations.

Dates of Service:

October 1, 2012 through June 30, 2013

Description of Services:

Provide grant coordination and oversight

Number of Students: varies

Cost not to exceed: \$5,000 (fully funded by the grant)

X Standard Contract

 Contract deviates from Standard Contract. Description below.

FINANCIAL INFORMATION:

Funding Source: grant funds

RECOMMENDATION:

Approve the amendment to the Independent Contractor Agreement between Albany Unified School District and Joanne Wile for grant coordination and oversight.

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of September 27, 2012

ITEM: **APPROVE THE INDEPENDENT CONTRACTOR AGREEMENT
BETWEEN ALBANY UNIFIED SCHOOL DISTRICT AND
COMMUNITY OPTIONS FOR FAMILIES AND YOUTH (COFY)**

PREPARED BY: Diane Marie, Director of Special Education

TYPE OF ITEM: **CONSENT – SPECIAL EDUCATION**



BACKGROUND INFORMATION:

Dates of Service:

August 30, 2012 – June 30, 2013

Description of Services:

Psycho-educational assessments and services

Number of Students:

As needed

Rate:

\$12,000

Cost not to exceed:

\$12,000

☒ X Standard Contract

☐ Contract deviates from Standard Contract. Description below.

FINANCIAL INFORMATION:

Funding Source: Special Education

RECOMMENDATION:

Approve Independent Contractor Agreement between Albany Unified School District and Community Options for Families and Youth (COFY).

Albany USD

Board Policy

Admission

BP 5111

Students

The Board of Education encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of students entering the District at any grade level about admission requirements and shall assist them with enrollment procedures.

The Superintendent or designee shall verify the student's age, residency, and any other admission criteria specified in law and in Board policies and administrative regulations.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

All resident students who are enrolling in the District or requesting a change in school shall be subject to the timelines established by the Board in BP/AR 5116.1 - Intradistrict Open Enrollment. Nonresident students may apply for interdistrict attendance in accordance with the timelines specified in applicable Board policies and administrative regulations.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5118 - Open Enrollment Act Transfers)

Legal Reference:

EDUCATION CODE

46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten

46600 Agreements for admission of pupils desiring interdistrict attendance

48000 Minimum age of admission (kindergarten)

48002 Evidence of minimum age required to enter kindergarten or first grade

48010 Minimum age of admission (first grade)

48011 Admission from kindergarten or other school; minimum age

48050-48053 Nonresidents

48200 Children between ages of 6 and 18 years (compulsory full-time education)

48350-48361 Open Enrollment Act

48850-48859 Educational placement of foster youth

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

49700-49704 Education of children of military families

HEALTH AND SAFETY CODE

120325-120380 Education and child care facility immunization requirements

121475-121520 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 5

200 Promotion from kindergarten to first grade

201 Admission to high school

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 42

11431-11435 McKinney Homeless Assistance Act

Management Resources:

CSBA PUBLICATIONS

Transitional Kindergarten, Issue Brief, July 2011

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

Dear Colleague Letter, May 6, 2011

WEB SITES

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

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

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

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: October 6, 2009 Albany, California

Revised: September 27, 2012

Albany USD

Board Policy

Absences And Excuses

BP 5113

Students

The Board of Education believes that regular attendance plays an important role in student achievement. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged 6 to 18 are obligated to send their children to school unless otherwise provided by law. The Board shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy and develop appropriate strategies. The Superintendent shall report to the Board the overall attendance trends and the success of strategies employed.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5113.1 - Truancy)

Excused Absences

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

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

At the beginning of each academic year, notifications shall be sent to the parents/guardians of all students, and to all students in grades 7 through 12, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)

(cf. 5145.6 - Parental Notifications)

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

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

Effect of Absences on Grades/Credit

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

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

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

(cf. 6154 - Homework/Makeup Work)

Legal Reference:

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

2550-2558.6 Computation of revenue limits

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

42238-42250.1 Apportionments

46000 Records (attendance)

46010-46014 Absences

46100-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

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

48210-48216 Exclusions from attendance

48240-48246 Supervisors of attendance

48260-48273 Truants

48292 Filing complaint against parent

48320-48324 School attendance review boards

48340-48341 Improvement of student attendance

49067 Unexcused absences as cause of failing grade

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

ELECTIONS CODE

12302 Student participation on precinct boards

FAMILY CODE

6920-6929 Consent by minor

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

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

ATTORNEY GENERAL OPINIONS

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

66 Ops.Cal.Atty.Gen. 245, 249 (1983)

COURT DECISIONS

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

Management Resources:

CSBA PUBLICATIONS

Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010

WEB SITES

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

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: October 6, 2009 Albany, California

Revised:

Albany Unified School District

Board Policy

Chronic Absence And Truancy

BP 5113.1

Students

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

(cf. 5113 - Absences and Excuses)

The Superintendent or designee shall establish a system to accurately track and monitor student attendance, including methods to identify students classified as chronic absentees and truants, as defined in law and administrative regulation.

To improve student attendance, the Superintendent or designee shall implement positive steps to identify the reasons for a student's unexcused absences and to help resolve the problems caused by truancy. Such strategies shall focus on prevention and early intervention. Prevention strategies may include efforts to provide a safe and positive school environment, relevant and engaging learning experiences, and school activities that help develop students' feelings of connectedness with the schools. Early intervention strategies may include, but not be limited to, communication with parents/guardians, attendance contracts and the use of student study teams. The Superintendent or designee shall annually report to the Board the success of the strategies implemented.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5113 - Absences and Excuses)

(cf. 5126 - Awards for Achievement)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6164.5 - Student Success Teams)

(cf. 6176 - Weekend/Saturday Classes)

In addition, the Superintendent or designee shall cooperate with other agencies within the community to meet the needs of students who have serious school attendance or behavior problems and to maintain a continuing inventory of community resources, including alternative

programs.

(cf. 1020 - Youth Services)
 (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
 (cf. 5030 - Student Wellness)
 (cf. 5146 - Married/Pregnant/Parenting Students)
 (cf. 5147 - Dropout Prevention)
 (cf. 5149 - At-Risk Students)
 (cf. 6158 - Independent Study)
 (cf. 6164.2 - Guidance/Counseling Services)
 (cf. 6164.5 - Student Success Teams)
 (cf. 6173 - Education for Homeless Children)
 (cf. 6173.1 - Education for Foster Youth)
 (cf. 6173.2 - Education of Children of Military Families)
 (cf. 6179 - Supplemental Instruction)
 (cf. 6181 - Alternative Schools/Programs of Choice)
 (cf. 6183 - Home and Hospital Instruction)
 (cf. 6184 - Continuation Education)
 (cf. 6185 - Community Day School)

As required by law, habitually truant students may be referred to a school attendance review board, a truancy mediation program operated by the county's district attorney or probation officer, and/or juvenile court in accordance with law.

Legal Reference:

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)
 37223 Weekend classes
 41601 Reports of average daily attendance
 46000 Records (attendance)
 46010-46014 Absences
 46110-46119 Attendance in kindergarten and elementary schools
 46140-46147 Attendance in junior high and high schools
 48200-48208 Children ages 6-18 (compulsory full-time attendance)
 48240-48246 Supervisors of attendance
 48260-48273 Truants
 48290-48296 Failure to comply; complaints against parents
 48320-48324 School attendance review boards
 48340-48341 Improvement of student attendance
 48400-48403 Compulsory continuation education
 49067 Unexcused absences as cause of failing grade
 60901 Chronic absence

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act

PENAL CODE

270.1 Chronic truancy; parent/guardian misdemeanor

272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy

830.1 Peace officers

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

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

Management Resources:

CDE PUBLICATIONS

School Attendance Review Board Handbook, 2009

School Attendance Improvement Handbook, 2000

CSBA PUBLICATIONS

Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010

WEB SITES

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

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

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: October 6, 2009 Albany, California

Revised: September 27, 2012

Albany Unified School District

Board Policy

Tobacco

BP 5131.62

Students

The Board of Education recognizes that tobacco use presents serious health risks and desires to provide support and assistance in the prevention and intervention of tobacco use among youth.

(cf. 5131.6 - Alcohol and Other Drugs)

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine, while on campus, while attending school-sponsored activities, or while under the supervision and control of District employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (Education Code 48900, 48901)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Students' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited.

The District may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

(cf. 1020 - Youth Services)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which has received funding from the tobacco industry.

(cf. 1325 - Advertising and Promotion)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 8 (2005)

Management Resources:

CDE PUBLICATIONS

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

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

CENTERS FOR DISEASE CONTROL PUBLICATIONS

Guidelines Related to School Health Programs to Prevent Tobacco Use and Addiction, 1994

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy, and Ready to Learn: A School Health Policy Guide, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

WEB SITES

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

California Department of Health Services: <http://www.dhs.ca.gov>

California Department of Public Health, Tobacco Control:

<http://www.cdph.ca.gov/programs/tobacco>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Healthy Kids Survey: <http://www.wested.org/hks>
U.S. Department of Education: <http://www.ed.gov>
U.S. Surgeon General: <http://www.surgeongeneral.gov>
Centers for Disease Control and Prevention: <http://www.cdc.gov>
National Association of State Boards of Education: <http://www.nasbe.org>

Policy ALBANY UNIFIED SCHOOL DISTRICT
Reviewed: October 6, 2009 Albany, California
Revised: September 27, 2012

Albany Unified School District

Board Policy

Questioning And Apprehension By Law Enforcement

BP 5145.11

Students

The Board of Education believes that the safety of District students and staff is essential to achieving the goal of student learning. In accordance with standards specified in law, law enforcement officers may interview and question students on school premises and may remove them when appropriate.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 3515.3 - District Police/Security Department)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.12 - Search and Seizure)

The Superintendent or designee shall collaborate with local law enforcement agencies to establish procedures which enable law enforcement officers to carry out their duties on school campus, including, when necessary, the questioning and/or apprehension of students.

When any law enforcement officer requests an interview with a student, the principal or designee shall request the officer's identity, his/her official capacity, and the legal authority under which the interview is to be conducted. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

The principal or designee shall accommodate the interview in a way that causes the least possible disruption for the student and school and provides the student appropriate privacy.

At the law enforcement officer's discretion and with the student's approval, the principal or designee may be present during the interview.

Except in cases of child abuse or neglect, the principal or designee shall attempt to notify the student's parent/guardian as soon as practicable prior to the law enforcement officer interviewing the student on school premises.

If a minor student is removed from school into the custody of law enforcement, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. When served at school, the principal or designee shall take reasonable steps to protect the student's privacy rights and to minimize loss of class time for the student.

Legal Reference:

EDUCATION CODE

44807 Duty concerning conduct of pupils

48264 Arrest of truants

48265 Delivery of truant

48902 Notice to law enforcement authorities

48906 Release of minor pupil to peace officers; notice to parent, guardian

48909 Narcotics and other hallucinogenic drugs (re arrest)

CODE OF CIVIL PROCEDURE

416.60 Service of summons or complaint to a minor

PENAL CODE

830-832.17 Peace officers

1328 Service of subpoena

WELFARE AND INSTITUTIONS CODE

627 Custody of minor

CODE OF REGULATIONS, TITLE 5

303 Duty to remain at school

COURT DECISIONS

Camreta v. Greene, (2011) 131 S.Ct. 2020

People v. Lessie, (2010) 47 Cal. 4th 1152

In re William V., (2003) 111 Cal.App.4th 1464

ATTORNEY GENERAL OPINIONS

54 Ops.Cal.Atty.Gen. 96 (1971)

34 Ops.Cal.Atty.Gen. 93 (1959)

Management Resources:

WEB SITES

California Department of Justice, Office of the Attorney General: <http://oag.ca.gov>

Policy Albany Unified School District

Adopted: October 6, 2009 Albany, California

Revised: September 27, 2012

Albany USD

Board Policy

Nondiscrimination/Harassment

BP 5145.3

Students

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the District's academic and other educational support programs, services, and activities. The Board prohibits, at any District school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education Under Section 504)

Definitions

Gender means the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for men and women. An example of gender characteristics would be in Saudi Arabia, men are allowed to drive cars while women are not.

Sex means the biological and physiological characteristics that define men and women. An example of sex characteristics would include men generally have more massive bones than women.

"Male" and "female" are sex categories; while "masculine" and feminine" are gender categories.

Gender Identity means one's internal, personal sense of being a man or a woman (or a boy or a girl). For transgender people, their birth-assigned sex and their own internal sense of gender identity do not match.

Gender Expression means the external manifestation of one's gender identity, usually expressed through "masculine," "feminine" or gender-variant behavior, clothing, haircut, voice or body characteristics.

Transgender is an umbrella term (adj.) for people whose gender identity and/or gender expression differs from the sex they were assigned at birth. Transsexual and genderqueer people (24/7/365 people who live as a gender that doesn't match the sex they were assigned at birth) may or may not seek to make their gender expression match their gender identity. Crossdressers and drag performers are part time expressers of gender that doesn't match their birth-assigned sex: they are not seeking to make their gender expression match their gender identity, but are only sometimes expressing gender that doesn't match their gender identity.

Genetic information may provide information regarding a genetic predisposition to developing a disease in the future.

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

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee shall provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the District's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

In providing instruction, guidance, supervision, or other services to District students, employees and volunteers shall carefully guard against segregating or stereotyping students.

(cf. 1240 - Volunteer Assistance)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

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

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 5145.7 - Sexual Harassment)

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

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21- Professional Standards)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.2 - Freedom of Speech/Expression)

Grievance Procedures

The Board hereby designates the following position as Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying, and inquiries regarding the District's nondiscrimination policies:

Superintendent
1051 Monroe Street
Albany, CA 94706
510-558-3766

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator for Nondiscrimination, the principal or any other staff member. Any student who observes any such incident should report the incident to the Coordinator or ~~principal~~principal, whether or not the victim files a complaint. Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to the Coordinator or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code

234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment. (cf. 5145.7 - Sexual Harassment)

Within 30 days of receiving the District's report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.

The Superintendent or designee shall ensure that the student handbook clearly describes the District's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The District's policy shall also be posted on the District web site or any other location that is easily accessible to students.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 6163.4 - Student Use of Technology)

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination 48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972
UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

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

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

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

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention - Laws and Regulations, April 2004

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Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendment.org>

National School Boards Association: <http://www.nsba.org>

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

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: October 6, 2009 Albany, California

Revised: September 27, 2012

Albany USD

Board Policy

Nondiscrimination/Harassment

BP 5145.3 Students

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the District's academic and other educational support programs, services, and activities. The Board prohibits, at any District school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
 (cf. 5131 - Conduct)
 (cf. 5131.2 - Bullying)
 (cf. 5137 - Positive School Climate)
 (cf. 5145.9 - Hate-Motivated Behavior)
 (cf. 5146 - Married/Pregnant/Parenting Students)
 (cf. 6164.6 - Identification and Education Under Section 504)

Definitions

Gender means the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for men and women. An example of gender characteristics would be in Saudi Arabia, men are allowed to drive cars while women are not.

Sex means the biological and physiological characteristics that define men and women. An example of sex characteristics would include men generally have more massive bones than women.

“Male” and “female” are sex categories; while “masculine” and “feminine” are gender categories.

Gender Identity means one’s internal, personal sense of being a man or a woman (or a boy or a girl). For transgender people, their birth-assigned sex and their own internal sense of gender identity do not match.

Gender Expression means the external manifestation of one’s gender identity, usually expressed through “masculine,” “feminine” or gender-variant behavior, clothing, haircut, voice or body characteristics.

Transgender is an umbrella term (adj.) for people whose gender identity and/or gender expression differs from the sex they were assigned at birth. Transsexual and genderqueer people (24/7/365 people who live as a gender that doesn't match the sex they were assigned at birth) may or may not seek to make their gender expression match their gender identity. Crossdressers and drag performers are part time expressers of gender that doesn't match their birth-assigned sex: they are not seeking to make their gender expression match their gender identity, but are only sometimes expressing gender that doesn't match their gender identity.

Genetic information may provide information regarding a genetic predisposition to developing a disease in the future.

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

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee shall provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the District's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

In providing instruction, guidance, supervision, or other services to District students, employees and volunteers shall carefully guard against segregating or stereotyping students.

(cf. 1240 - Volunteer Assistance)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

The Board prohibits intimidation or harassment of any student by any employee, student or other

person in the District. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 5145.7 - Sexual Harassment)

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

(cf. 4118 - Suspension/Disciplinary Action)

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Albany, CA 94706
510-558-3766

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In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment. (cf. 5145.7 - Sexual Harassment)

Within 30 days of receiving the District's report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.

The Superintendent or designee shall ensure that the student handbook clearly describes the District's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The District's policy shall also be posted on the District web site or any other location that is easily accessible to students.

(cf. 1113 - District and School Web Sites)
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U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: October 6, 2009 Albany, California

Revised: September 27, 2012

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of September 27, 2012

ITEM: **ASSOCIATE SUPERINTENDENT OF BUSINESS
SERVICES' CONTRACT**
(under separate cover)

PREPARED BY: **MARLA STEPHENSON, SUPERINTENDENT**

TYPE OF ITEM: **REVIEW & ACTION**

BACKGROUND INFORMATION

The Albany Unified School District's Associate Superintendent of Business Services' contract has been re-written by district legal counsel to align with the new legal requirements.

FINANCIAL INFORMATION:

No additional cost to the district.

RECOMMENDATION:

Approve Associate Superintendent of Business Services' Contract – July 1, 2012 – June 30, 2015.

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of September 27, 2012

**ITEM: APPROVE – INDEPENDENT CONTRACTOR AGREEMENT
BETWEEN ALBANY UNIFIED SCHOOL DISTRICT AND ALMA
STRATEGIES**

PREPARED BY: Don Albright, Facilities Supervisor

TYPE OF ITEM: REVIEW & ACTION

BACKGROUND INFORMATION:

ALMA Strategies provides integrated planning and consulting services to school districts and other public agencies.

Albany Unified School District is contracting with Alma Strategies to provide the district with technical expertise to procure new construction funding from the Office of Public School Construction for the modular classroom portion of the Albany Aquatic Center project.

FINANCIAL INFORMATION:

Not to exceed \$5,000.00 paid for by the Measure E bond fund.

RECOMMENDATION: Approve Independent Contractor Agreement between Albany Unified School District and ALMA Strategies.

**ALBANY UNIFIED SCHOOL DISTRICT
INDEPENDENT CONTRACTOR SERVICES AGREEMENT**

This agreement is hereby entered into this 1st day of October in the County of Alameda, State of California, by and between the Albany Unified School District, hereinafter referred to as "DISTRICT," and ALMA Strategies

CONTRACTOR

165 Tenth Street, Suite 75

MAILING ADDRESS

San Francisco

CA

94103

CITY

STATE

ZIP

hereinafter referred to as 'CONTRACTOR.' DISTRICT and CONTRACTOR shall be collectively referred to as the Parties.

1. Contractor Services. Contractor agrees to provide the following services to District (collectively, the "Services"):
[insert services to be provided or include as Exhibit A]
Provide strategy development and implementation guidance related to state funding matters related to the Albany High School portables funding release and other compliance issues. Contractor will coordinate with District administration, staff, and other contractors.
2. Contractor Qualifications. Contractor represents and warrants to District that Contractor and all of Contractor's employees, agents or volunteers (the "Contracted Parties") have in effect and shall maintain in full force throughout the Term of this Agreement all licenses, credentials, permits and any other legal qualifications required by law to perform the Services and to fully and faithfully satisfy all of the terms set forth in this Agreement. If any of the Services are performed by any of Contractor's Parties, such work shall only be performed by competent personnel under the supervision of and in the employment of Contractor.
3. Term. CONTRACTOR shall:

☐ Provide services under this AGREEMENT on the following specific date's _____, _____, _____, _____, _____, and complete performance no later than _____;

OR

☒ Commence providing services under this AGREEMENT on October 1, _____, 2012, and complete performance no later than June 30, _____, 2013.

There shall be no extension of the Term of this Agreement without the express written consent from all parties. Written notice by the District Superintendent or designee shall be sufficient to stop further

performance of the Services by Contractor or the Contractor Parties. In the event of early termination, Contractor shall be paid for satisfactory work performed to the date of termination. Upon payment by District, District shall be under no further obligation to Contractor, monetarily or otherwise, and District may proceed with the work in any manner District deems proper.

4. Termination. Either party may terminate this Agreement at any time by giving thirty (30) days advance written notice to the other party; however the parties may agree in writing to a shorter time period for the effectiveness of such termination. Notwithstanding the foregoing, District may terminate this Agreement at any time by giving written notice to Contractor if Contractor materially violates any of the terms of this Agreement, any act or omission by Contractor or the Contractor Parties exposes District to potential liability or may cause an increase in District's insurance premiums, Contractor is adjudged a bankrupt, Contractor makes a general assignment for the benefit of creditors or a receiver is appointed on account of Contractor's insolvency. Such termination shall be effective immediately upon Contractor's receipt of said notice.

5. Compensation. DISTRICT agrees to pay the CONTRACTOR for services satisfactorily rendered pursuant to this AGREEMENT a total fee not to exceed Five Thousand dollars (\$ 5,000.00). DISTRICT shall pay CONTRACTOR according to the following terms and conditions:

a. Such compensation shall be based on:

- ☐ An hourly rate of \$ 195.00 for a total amount of 25.6 hours.
☐ A daily rate of \$ for a total amount of days.
☐ A flat fee of \$.

b. Payment method shall be:

- ☐ Upon completion.
☐ Date of Service.
☒ Other (Specify): Monthly progress billings.

Any work performed by Contractor in excess of said amount shall not be compensated.

Payment shall be made upon approval of DISTRICT and receipt of an invoice from CONTRACTOR one copy clearly marked original. CONTRACTOR's invoice shall be sent to: Albany Unified School District, Attention: Accounts Payable, 1051 Monroe Street, Albany, CA, 94706.

6. Equipment and Materials. Contractor at its sole cost and expense shall provide and furnish all tools, labor, materials, equipment, transportation services and any other items (collectively, "Equipment") which are required or necessary to perform the Services in a manner which is consistent with generally accepted standards of the profession for similar services. Notwithstanding the foregoing, District shall not be responsible for any damages to persons or property as a result of the use, misuse or failure of any Equipment used by Contractor or the Contractor Parties, even if such Equipment is furnished, rented or loaned to Contractor or the Contractor Parties by District. Furthermore, any Equipment or workmanship that does not conform to the regulations of this Agreement may be rejected by District and in such case must be promptly remedied or replaced by Contractor at no additional cost to District and subject to District's reasonable satisfaction.
7. California Residency. Contractor and the Contractor Parties shall be residents of the State of California.
8. Indemnity. Contractor shall defend, indemnify, and hold harmless District and its agents,

representatives, officers, consultants, employees, Board of Education, members of the Board of Education (collectively, the "District Parties"), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from the performance of this Agreement, including but not limited to Contractor's or the Contractor Parties' use of the site; Contractor's or the Contractor Parties' performance of the Services; Contractor's or the Contractor Parties' breach of any of the representations or warranties contained in this Agreement; injury to or death of persons or damage to property or delay or damage to District or the District Parties; or for any act, error, omission, negligence, or willful misconduct of Contractor, the Contractor Parties or their respective agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph.

9. Insurance. Without in any way limiting Contractor's liability or indemnification obligations set forth in Paragraph 8 above, District reserves the right to require contractor to procure and maintain throughout the Term of this Agreement the following insurance: (i) comprehensive general liability insurance with limits not less than \$1,000,000.00 each occurrence and \$1,000,000.00 in the aggregate; (ii) commercial automobile liability insurance with limits not less than \$100,000.00 each occurrence and \$100,000.00 in the aggregate; if applicable; and neither Contractor nor any of the Contractor Parties shall commence performing any portion of the Services until all required insurance has been obtained and certificates indicating the required coverage have been delivered to and approved by District. All insurance policies shall include an endorsement stating that District and District Parties are named additional insured. All of the policies shall be amended to provide that the insurance shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice has been given to District. If any of the required insurance is not reinstated, District may, at its sole option, terminate this Agreement. All of the policies shall also include an endorsement stating that it is primary to any insurance or self-insurance maintained by District and shall waive all rights of subrogation against District and/or the District Parties.
10. Independent Contractor Status. Contractor, in the performance of this Agreement, shall be and act as an independent contractor. Contractor understands and agrees that s/he and the Contractor Parties shall not be considered officers, employees, agents, partners, or joint ventures of District, and are not entitled to benefits of any kind or nature normally provided to employees of District and/or to which District's employees are normally entitled.
11. Taxes. All payments made by District to Contractor pursuant to this Agreement shall be reported to the applicable federal and state taxing authorities as required. District will not withhold any money from compensation payable to Contractor, including FICA (social security), state or federal unemployment insurance contributions, or state or federal income tax or disability insurance. Contractor shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, social security and income taxes with respect to Contractor and the Contractor Parties and otherwise in connection with this Agreement.
12. Fingerprinting/Criminal Background Investigation Certification. Contractor and the Contractor Parties shall at all times comply with the fingerprinting and criminal background investigation requirements of the California Education Code ("Education Code") section 45125.1. Accordingly, by checking the applicable boxes below, Contractor hereby represents and warrants to District the following:
 - ☒ Contractor and the Contractor Parties shall only have limited or no contact (as determined by District) with District students at all times during the Term of this Agreement.

☐ The following Contractor Parties have **more than limited contact** (as determined by District) with District students during the Term of this Agreement:

[Attach and sign additional pages, as needed.]

☐ All of the Contractor Parties noted above, at no cost to District, have completed background checks and have been fingerprinted under procedures established by the California Department of Justice and the Federal Bureau of Investigation, and the results of those background checks and fingerprints reveal that none of these Penal Code.

Contractor further agrees and acknowledges that if at any time during the Term of this Agreement Contractor learns or becomes aware of additional information, including additional personnel, which differs in any way from the representations set forth above, Contractor shall immediately notify District and prohibit any new personnel from having any contact with District students until the fingerprinting and background check requirements have been satisfied and District determines whether any such contact is permissible.

13. Tuberculosis Certification. Contractor and the Contractor Parties shall at all times comply with the tuberculosis ("TB") certification requirements of Education Code section 49406. Accordingly, by checking the applicable boxes below, Contractor hereby represents and warrants to District the following:

☒ Contractor Parties shall **only have limited or no contact** (as determined by District) with District students at all times during the Term of this Agreement.

☐ The following Contractor Parties shall have **more than limited contact** (as determined by District) with District students during the Term of this Agreement and, at no cost to District, have received a TB test in full compliance with the requirements of Education Code section 49406:

[Attach and sign additional pages, as needed.]

Contractor shall maintain on file the certificates showing that the Contractor Parties was examined and found free from active TB. These forms shall be regularly maintained and updated by Contractor and shall be available to District upon request or audit.

Contractor further agrees and acknowledges that all new personnel hired after the Effective Date of this Agreement are subject to the TB certification requirements and shall be prohibited from having any contact with District students until the TB certification requirements have been satisfied and District determines whether any such contact is permissible.

14. Confidential Information. Contractor shall maintain the confidentiality of and protect from unauthorized disclosure any and all individual student information received from the District, including but not limited to student names and other identifying information. Contractor shall not use such student information for any purpose other than carrying out the obligations under this agreement. Upon termination of this Agreement, Contractor shall turn over to District all educational records related to the services provided to any District student pursuant to this Agreement.

15. Assignment. Contractor shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations under this Agreement without the prior written consent of District.
16. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon Contractor and District and their respective successors and assigns.
17. Severability. If any provision of this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Agreement.
18. Amendments. The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever except by written agreement signed by both parties.
19. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California and venue shall be in the appropriate court in Alameda County, California.
20. Written Notice. Written notice shall be deemed to have been duly served if delivered in person to Contractor at the address located next to the party signatures below, or if delivered at or sent by registered or certified mail to the last business address known to the person who sends the notice.
21. Compliance with Law. Each and every provision of law and clause required by law to be inserted into this Agreement shall be deemed to be inserted herein and this Agreement shall be read and enforced as though it were included therein. Contractor shall comply with all applicable federal, state, and local laws, rules, regulations and ordinances, including but not limited to fingerprinting under Education Code section 45125.1, confidentiality of records, Education Code section 49406 and others. Contractor agrees that it shall comply with all legal requirements for the performance of duties under this agreement and that failure to do so shall constitute material breach.
22. Attorney Fees. If any legal action is taken to enforce the terms of this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and other reasonable costs and expenses incurred in connection with that legal action.
23. Liability of District. Notwithstanding anything stated herein to the contrary, District shall not be liable for any special, consequential, indirect or incident damages, including but not limited to lost profits in connection with this Agreement.
24. Entire Agreement. This Agreement is intended by the parties as the final expression of their agreement with respect to such terms as are included herein and as the complete and exclusive statement of its terms and may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement, nor explained or supplemented by evidence of consistent additional terms.
25. Subject To Approval of Board. This Agreement confers no legal or equitable rights until it is approved by the District Board of Education at a lawfully conducted public meeting.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

DISTRICT:**ALBANY UNIFIED SCHOOL DISTRICT**

By: _____

Name:

Title:

Address for District Notices:

Albany Unified School District
1051 Monroe Street
Albany, CA 94706

CONTRACTOR:ALMA StrategiesTax Identification Number: 27-1043732

By: _____

Name:

Title:

Address for Contractor Notices:

105 Tenth St, Suite 78
SAN FRANCISCO, CA, 94103

Date of Board Approval: _____

BP or AR	BP 5022	March 1, 2011
Title	Student and Family Privacy Rights	
Description	MANDATED policy (regulation updated November, 2011) revised and reorganized to address certain privacy issues related to students and/or their parents/guardians, including the administration of surveys and physical exams/screenings, parent/guardian rights to inspect instructional materials, and the collection of personal information for marketing purposes. Options formerly in BP re: collection of personal information for marketing purposes moved into AR and consolidated with materials formerly in section titled "Exceptions to Collection of Personal Information."	
BP or AR	BP 5030	July 1, 2011
Title	Student Wellness	
Description	MANDATED policy updated to reflect NEW FEDERAL LAW (P.L. 111-296) which moved and revised legal requirements related to student wellness policies. Law now requires (1) involvement of specified stakeholders in policy implementation and review; (2) establishment of goals for nutrition promotion as well as nutrition education; and (3) periodic assessment of the implementation of the wellness policy, including comparison of the district's policy with model wellness policies provided by the U.S. Department of Agriculture. Policy also adds optional language re: programs encouraging students to walk or bicycle to and from school, and in-class physical activity breaks. Section on "Nutritional Guidelines for Foods Available at School" adds consideration of students with special dietary needs and encourages schools' participation in after-school snack programs and summer meal programs.	
BP or AR	AR 5125	November 1, 2011
Title	Student Records	
Description	MANDATED, reorganized regulation reflects NEW LAW (AB 143) which (1) permits a minor's legal counsel to access student records for specified purposes and (2) requires certain recipients of student records to provide written certification that the records will not be disclosed to another party without parental consent. Regulation also reflects law authorizing agreements to share information with county placing agencies and requirement to provide specified records to law enforcement when a student with disabilities commits certain acts. Regulation reflects NEW FEDERAL REGULATIONS (76 Fed. Reg. 75604) which clarify the circumstances under which districts may disclose student records for purposes of audit, evaluation, or compliance activities related to state and federally funded programs.	
BP or AR	AR/E 5125.1	November 1, 2011
Title	Release of Directory Information	

Description	MANDATED regulation and accompanying Exhibit updated to reflect NEW LAW (AB 143) which changes the definition of "directory information" to include students' email addresses and exclude students' places of birth. Regulation and Exhibit also revised to reflect federal regulation excluding social security numbers and student identification numbers from the definition of directory information but allowing use of a personal identifier in specified circumstances. Regulation reflects NEW FEDERAL REGULATIONS (76 Fed. Reg. 75604) which authorize districts to limit the applicability of this policy to specific parties and/or for specific purposes. Exhibited updated to match regulation.	
BP or AR	BP 5131.7	November 1, 2011
Title	Weapons and Dangerous Instruments	
Description	MANDATED policy and accompanying regulation updated to renumber legal cites pursuant to NEW LAW (SB 1080, 2010), effective January 1, 2012. Policy also deletes material specifying the term of the suspension or expulsion of students who violate this policy, which is repeated in AR 5144.1 - Suspension and Expulsion/Due Process.	
BP or AR	AR 5131.7 (new)	November 1, 2011
Title	Weapons and Dangerous Instruments	
Description	Regulation reflects law prohibiting the carrying of ammunition or reloaded ammunition onto school grounds without permission of the superintendent or designee.	
BP or AR	BP 5144	March 1, 2011
Title	Discipline	
Description	Revised policy expands goal statement to focus on correcting student behavior while avoiding an adverse effect on student learning or health. Policy also broadens related staff development topics to include assisting staff to establish cooperative relationships with parents/guardians.	
BP or AR	AR 5144	March 1, 2011
Title	Discipline	
Description	Regulation expands disciplinary strategies to include option to restrict or disqualify student from participation in extracurricular activities, and provides that teachers will first try disciplinary measures other than recess restriction when recess restriction would result in withholding of physical activity.	
BP or AR	BP 5144.1	March 1, 2012
Title	Suspension and Expulsion/Due Process	

Description	Reorganized, MANDATED policy includes language requiring fair, consistent enforcement of suspension and expulsion rules in response to new U.S. Department of Education Office for Civil Rights (OCR) report finding disproportionate rates of suspension/expulsion by race and ethnicity, gender, and disability. Policy also revises material re: zero tolerance to encourage use of alternative disciplinary measures that keep students in school during the school day, except under specified circumstances.	
BP or AR	AR 5144.1	March 1, 2012
Title	Suspension and Expulsion/Due Process	
Description	Reorganized MANDATED regulation reflects NEW LAW (AB 746) which expands the definition of bullying committed by means of an electronic act to include posting of messages on social media networks, and NEW LAW (AB 143) which requires that, when law enforcement officials are notified of certain acts by students with disabilities, they must certify that specified student records will not be disclosed without prior written consent. Regulation also contains some material formerly in BP re: parental attendance when teacher removes student from class, and clarifies timeline for the Board's decision as to whether to expel a student.	
BP or AR	BP 5145.7	March 1, 2012
Title	Sexual Harassment	
Description	MANDATED policy updated to reflect NEW OCR GUIDANCE which clarifies that (1) sexual violence (e.g., rape, sexual assault, sexual battery, sexual coercion) is a form of sexual harassment that must be addressed by districts in the same way as other forms of sexual harassment; (2) districts should provide information about the rights of students and parents/guardians to file a criminal complaint of sexual harassment as applicable; and (3) districts should respond to sexual harassment that comes to their attention even when a victim requests anonymity.	
BP or AR	AR 5145.7	March 1, 2012
Title	Sexual Harassment	
Description	Regulation updated to add sexual assault, sexual battery, and sexual coercion to examples of sexual harassment per NEW OCR GUIDANCE. Regulation also reflects information in the OCR guidance that districts may have an obligation to respond to student-on-student sexual harassment which occurs off school grounds or outside school-sponsored or school-related programs or activities, since the sexual harassment may still create a hostile environment for the victim at school.	

Albany Unified School District

Board Policy

Student And Family Privacy Rights

BP 5022

Students

The Board of Education believes that personal information concerning ~~D~~istrict students and their families should be kept private in accordance with law. The Superintendent or designee shall develop regulations to ensure compliance with law when the District requests, retains, discloses, or otherwise uses the personal information of its students and their families.

~~(cf. 0000—Vision)~~

~~(cf. 0100—Philosophy)~~

~~(cf. 0200—Goals for the School District)~~

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5021 - Noncustodial Parents)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

~~(cf. 6000—Concepts and Roles)~~

(cf. 6162.8 - Research)

The regulations shall, at a minimum, address the following: (20 USC 1232h)

1. Whether the District may collect the personal information of students for marketing or sale

2. How the District will administer surveys that may request information about the personal beliefs and practices of students and their families

3. The rights of parents/guardians to inspect:

a. Survey instruments requesting information about their personal beliefs and practices or those of their children

b. Instructional materials used as part of their children's educational curriculum

4. Whether the District may administer any nonemergency invasive physical examination or screening

5. Notifications that the District will provide to students and parents/guardians with respect to their privacy rights

The Superintendent or designee shall consult with parents/guardians regarding the development

and adoption of this policy.

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committee)

(cf. 1230 - School-Connected Organizations)

~~Collection of Personal Information for Marketing Purposes~~

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

Legal Reference:

EDUCATION CODE

49450-49457 Physical examinations

49602 Confidentiality of personal information received during counseling~~Confidentiality of pupil information~~

51101 Parents Rights Act of 2002

51513 Test, questionnaire, survey, or examination concerning personal beliefs~~Personal beliefs~~

51938 Sexual Health And HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

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

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

USDOE, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpc/>

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: ___ October 6, 2009 Albany, California

Revised: _____

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Adopted: October 6, 2009 Albany, California

Revised:

Albany Unified School District

Board Policy

Student Wellness

BP 5030

Students

The Board of Education recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for District students. The Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3514 - Environmental Safety)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.61 - Drug Testing)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - School Health Services)

(cf. 5142 - Safety)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)

(cf. 6164.2 - Guidance/Counseling Services)

To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information and/or the District's student wellness policy to parents/guardians as he/she deems necessary. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

(cf. 6020 - Parent Involvement)

School Health Council/Committee

The Superintendent or designee ~~shall~~may appoint a school wellness committee consisting of parents/guardians, students, food service employees, ~~D~~istrict and school site administrators, Board representatives, school health professionals, ~~school nurses, health educators~~, physical education teachers, counselors, members of the public, and/or others interested in school health issues.

(cf. 1220 - Citizen Advisory Committees)

(cf. 9140 - Board Representatives)

The wellness committee shall advise the ~~D~~istrict and report to the Board on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the council's charge(s) may include the planning, ~~and~~ implementation and evaluation of activities to promote health within the school or community.

Wellness Mission Statement of the Albany Unified School District

Mission

The AUSD Integrated Wellness Policy seeks to improve the health and fitness of our entire community through a deliberate focus on nutrition, fitness, health education and mental health. We believe that addressing the whole child is critical for individual academic preparedness and success and for a positive school climate. AUSD intends to integrate school and community resources in order to promote healthy development of students and their families.

This mission is accomplished through the following services:

- * Physical education that promotes healthy fitness habits
- * Food service that provides access to well-balanced, nourished food
- * Food policy that promotes ecoliteracy, nutrition education and the importance of food for optimal learning
- * A safe and healthy school environment, including the sensitivity to and respect for cultural, ethnic, gender, sexual orientation, appearance, socioeconomic and ability differences
- * Classroom instruction aimed at increasing knowledge about health, nutrition and fitness; and
- * Mental health programs, serving students at elementary, middle and high school levels.

The Wellness Committee will serve as a resource for implementing this mission, through policy and program recommendations to the Albany Board and school district administration. The group will meet quarterly.

To this end, the Board has adopted the following Board policies:

BP 3550	Food Services/Child Nutrition Program
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BP 5145.7	Sexual Harassment
BP 5145.9	Hate-Motivated Behavior
BP 6142.7	Physical Education <u>and Activity</u>
BP 6142.8	Health Education
BP 6164.2	Guidance/Counseling Services
BP 6164.5	Student Success Teams

Nutrition Education and Physical Activity Goals

The Board shall adopt goals for nutrition promotion and education, physical activity, and other school-based activities that are designed to promote student wellness ~~in a manner that the district determines appropriate~~. (42 USC ~~1751-1758b~~Note)

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

The ~~D~~istrict's nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum frameworks and content standards, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

~~AUSD~~ The District recognizes the importance of the students, staff, and families to be ecoliterate. ~~Our Nutrition~~ education will include the understanding that what we eat affects our bodies, the community, and the world.

Nutrition education shall be provided as part of the integrated health education program in grades K-12.

~~(cf. 5148.2 - Before/After School Programs)~~

(cf. 6142.8 - Comprehensive Health Education)

The Board prohibits the marketing and advertising of non-nutritious foods and beverages through

signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free giveaways, or other means.

(cf. 1325 - Advertising and Promotion)

The Board recognizes the positive benefits of physical activity for student health and academic achievement. All students in grades K-12 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education, recess, school athletic programs, extracurricular programs, before- and/or after-school programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

(cf. 5142.2 - Safe Routes to School Program)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she may promote work-site wellness and may provide opportunities for regular physical activity among employees. Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Nutritional Guidelines for Foods Available at School

The Board shall adopt nutritional guidelines which are consistent with 42 USC 1773 and 1779 for all foods available on each campus during the school day, with the objectives of promoting student health and reducing childhood obesity. (42 USC ~~1751-1758b~~Note)

The Board believes that foods and beverages available to students at ~~D~~istrict schools should support the health curriculum and promote optimal health. Nutritional standards adopted by the ~~D~~istrict for all foods and beverages sold to students, including foods and beverages provided through the ~~D~~istrict's food service program, student stores, vending machines, fundraisers, or other venues, shall meet or exceed state and federal nutritional standards. The Board recognizes and encourages the use of home/locally grown foods whenever possible.

(cf. 3312 - Contracts)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3554 - Other Food Sales)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

(cf. 5148 - Child Care and Development)

(cf. 6300 - Preschool/Early Childhood Education)

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

(cf. 1230 - School-Connected Organizations)

School staff shall encourage parents/guardians or other volunteers to support the ~~D~~istrict's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties and by limiting foods or beverages that do not meet nutritional standards to no more than one such food or beverage per party. Class parties or celebrations shall be held after the lunch period when possible.

~~Guidelines for Reimbursable Meals~~

~~Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 1758(f)(1), 1766(a), and 1779(a) and (b), as they apply to schools. (42 USC 1751 Note)~~

~~(cf. 3553 - Free and Reduced Price Meals)~~

Promoting a Healthy Development

We strive to foster a positive school environment to promote the healthy development of students' social and emotional health through the use of programs/curriculum, and recognize these to be important predictors of academic success. Social and emotional health interventions may occur both at the school-wide level (including prevention programs and school climate enhancement programs) and at the individual level, targeting students at risk of school failure. Schools use an interdisciplinary approach, utilizing the expertise of mental health clinicians, school psychologists, school counselors, support staff, administrators, teachers, families and community-based agencies to collaborate in promoting social and emotional health.

Teachers and school staff play an important role through using effective classroom management strategies, identifying and referring students with mental health issues, collaborating with clinicians, and being active in school-wide initiatives that enhance individual health and school climate.

Support staff may provide appropriate onsite services to students or make referrals to community resources when necessary. Schools will strive to engage families and community to provide youth with meaningful extracurricular activities.

Program Implementation and Evaluation

The Board shall establish a plan for measuring implementation of this policy. The Superintendent shall designate at least one person within the District and at each school who is charged with operational responsibility for ensuring that each school site implements this policy. (42 USC 1751 Note)

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

The Superintendent or designee shall inform and update the public, including parents/guardians, students, and others in the community, about the contents and implementation of this policy. He/she shall periodically measure and make available to the public an assessment of the extent to which District schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

To determine whether the policy is being effectively implemented Districtwide and at each District school, the following indicators may be used:

1. Descriptions of the District's nutrition education, physical education, and health education curricula by grade level
2. Number of minutes of physical education instruction offered at each grade span
3. Number and type of exemptions granted from physical education
4. Results of the state's physical fitness test
5. An analysis of the nutritional content of meals served based on a sample of menus
6. Student participation rates in school meal programs, compared to percentage of students eligible for free and reduced-price meals
7. Number of sales of non-nutritious foods and beverages in fundraisers or other venues outside of the District's meal programs
8. Feedback from food service personnel, school administrators, the school health council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons
9. Any other indicators recommended by the Superintendent and approved by the Board

Posting Requirements

Each school shall post the District's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

Legal Reference:

EDUCATION CODE

33350-33354 CDE responsibilities re: physical education
 49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
 49490-49494 School breakfast and lunch programs
 49500-49505 School meals
 49510-49520 Nutrition
 49530-49536 Child Nutrition Act
 49540-49546 Child care food program
 49547-49548.3 Comprehensive nutrition services
 49550-49561 Meals for needy students
 49565-49565.8 –California Fresh Start pilot program
 49570 National School Lunch Act
 51210 Course of study, grades 1-6
 51220 Course of study, grades 7-12
 51222 Physical education
 51223 Physical education, elementary schools
 51795-51796.5 –School instructional gardens
 51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations
 15510 Mandatory meals for needy students
 15530-15535 Nutrition education
 15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769 National School Lunch Program, especially:
~~1751—1758b~~ Note Local wellness policy
 1771-1791 Child Nutrition Act, including:
 1773 School Breakfast Program
 1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
 220.1-220.21 National School Breakfast Program

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

Management Resources:

CSBA PUBLICATIONS

[Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009](#)
[Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009](#)
 Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October

2007

Food Safety Requirements, Fact Sheet, October 2007

Physical Education and California Schools, Policy Brief, rev. October 2007

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, March 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Healthy Children Ready to Learn, January 2005

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

Physical Education Framework for California Public Schools, Kindergarten Through Grade 12,

~~1994~~2009

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

CENTER FOR COLLABORATIVE SOLUTIONS

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, March 2010

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide ~~for Elementary and Middle/High Schools, 2004~~2005

~~Making It Happen: School Nutrition Success Stories, 2005~~

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2005

~~Team Nutrition, Food and Nutrition Services,~~ Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

Action for Healthy Kids: <http://www.actionforhealthykids.org>

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Department of Public Health: <http://www.cdph.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

California School Nutrition Association: <http://www.calsna.org>

Center for Collaborative Solutions: <http://www.ccscenter.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Dairy Council of California: <http://www.dairycouncilofca.org>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

National School Boards Association: <http://www.nsba.org>

School Nutrition Association: <http://www.schoolnutrition.org>
Society for Nutrition Education: <http://www.sne.org>
U.S. Department of Agriculture, Food Nutrition Service, wellness policy:
http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html

Policy ALBANY UNIFIED SCHOOL DISTRICT

Aadopted: October 6, 2009 Albany, California

Rrevised: February 1, 2011

Revised:

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(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

The District recognizes the importance of the students, staff, and families to be ecoliterate. Nutrition education will include the understanding that what we eat affects our bodies, the community, and the world.

Nutrition education shall be provided as part of the integrated health education program in grades K-12.

(cf. 6142.8 - Comprehensive Health Education)

The Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free giveaways, or other means.

(cf. 1325 - Advertising and Promotion)

The Board recognizes the positive benefits of physical activity for student health and academic achievement. All students in grades K-12 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education, recess, school athletic programs, extracurricular programs, before- and/or after-school programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

(cf. 5142.2 - Safe Routes to School Program)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she may promote work-site wellness and may provide opportunities for regular physical activity among employees. Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Nutritional Guidelines for Foods Available at School

The Board shall adopt nutritional guidelines which are consistent with 42 USC 1773 and 1779 for all foods available on each campus during the school day, with the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

The Board believes that foods and beverages available to students at District schools should support the health curriculum and promote optimal health. Nutritional standards adopted by the District for all foods and beverages sold to students, including foods and beverages provided through the District's food service program, student stores, vending machines, fundraisers, or other venues, shall meet or exceed state and federal nutritional standards. The Board recognizes and encourages the use of home/locally grown foods whenever possible.

(cf. 3312 - Contracts)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3554 - Other Food Sales)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

(cf. 5148 - Child Care and Development)

(cf. 6300 - Preschool/Early Childhood Education)

The Superintendent or designee shall encourage school organizations to use healthy food items

or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

(cf. 1230 - School-Connected Organizations)

School staff shall encourage parents/guardians or other volunteers to support the District's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties and by limiting foods or beverages that do not meet nutritional standards to no more than one such food or beverage per party. Class parties or celebrations shall be held after the lunch period when possible.

Promoting a Healthy Development

We strive to foster a positive school environment to promote the healthy development of students' social and emotional health through the use of programs/curriculum, and recognize these to be important predictors of academic success. Social and emotional health interventions may occur both at the school-wide level (including prevention programs and school climate enhancement programs) and at the individual level, targeting students at risk of school failure. Schools use an interdisciplinary approach, utilizing the expertise of mental health clinicians, school psychologists, school counselors, support staff, administrators, teachers, families and community-based agencies to collaborate in promoting social and emotional health.

Teachers and school staff play an important role through using effective classroom management strategies, identifying and referring students with mental health issues, collaborating with clinicians, and being active in school-wide initiatives that enhance individual health and school climate.

Support staff may provide appropriate onsite services to students or make referrals to community resources when necessary. Schools will strive to engage families and community to provide youth with meaningful extracurricular activities.

Program Implementation and Evaluation

The Board shall establish a plan for measuring implementation of this policy. The Superintendent shall designate at least one person within the District and at each school who is charged with operational responsibility for ensuring that each school site implements this policy. (42 USC 1751 Note)

(cf. 0500 - Accountability)

(cf. 3555 - Nutrition Program Compliance)

The Superintendent or designee shall inform and update the public, including parents/guardians, students, and others in the community, about the contents and implementation of this policy. He/she shall periodically measure and make available to the public an assessment of the extent to

which District schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

To determine whether the policy is being effectively implemented Districtwide and at each District school, the following indicators may be used:

1. Descriptions of the District's nutrition education, physical education, and health education curricula by grade level
2. Number of minutes of physical education instruction offered at each grade span
3. Number and type of exemptions granted from physical education
4. Results of the state's physical fitness test
5. An analysis of the nutritional content of meals served based on a sample of menus
6. Student participation rates in school meal programs, compared to percentage of students eligible for free and reduced-price meals
7. Number of sales of non-nutritious foods and beverages in fundraisers or other venues outside of the District's meal programs
8. Feedback from food service personnel, school administrators, the school health council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons
9. Any other indicators recommended by the Superintendent and approved by the Board

Posting Requirements

Each school shall post the District's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

Legal Reference:

EDUCATION CODE

- 33350-33354 CDE responsibilities re: physical education
- 49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
- 49490-49494 School breakfast and lunch programs
- 49500-49505 School meals
- 49510-49520 Nutrition
- 49530-49536 Child Nutrition Act

49540-49546 Child care food program
 49547-49548.3 Comprehensive nutrition services
 49550-49561 Meals for needy students
 49565-49565.8 California Fresh Start pilot program
 49570 National School Lunch Act
 51210 Course of study, grades 1-6
 51220 Course of study, grades 7-12
 51222 Physical education
 51223 Physical education, elementary schools
 51795-51796.5 School instructional gardens
 51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations
 15510 Mandatory meals for needy students
 15530-15535 Nutrition education
 15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769 National School Lunch Program, especially:

1758b Note Local wellness policy
 1771-1791 Child Nutrition Act, including:

1773 School Breakfast Program
 1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
 220.1-220.21 National School Breakfast Program

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

Management Resources:

CSBA PUBLICATIONS

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007

Food Safety Requirements, Fact Sheet, October 2007

Physical Education and California Schools, Policy Brief, rev. October 2007

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, March 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Healthy Children Ready to Learn, January 2005

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

Physical Education Framework for California Public Schools, Kindergarten Through Grade 12, 2009

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

CENTER FOR COLLABORATIVE SOLUTIONS

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, March 2010

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, 2005

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2005

Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

Action for Healthy Kids: <http://www.actionforhealthykids.org>

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Department of Public Health: <http://www.cdph.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

California School Nutrition Association: <http://www.calsna.org>

Center for Collaborative Solutions: <http://www.ccscenter.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Dairy Council of California: <http://www.dairycouncilofca.org>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

National School Boards Association: <http://www.nsba.org>

School Nutrition Association: <http://www.schoolnutrition.org>

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture, Food Nutrition Service, wellness policy:

http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: October 6, 2009 Albany, California

Revised: February 1, 2011

Revised:

Albany USD

Administrative Regulation

Student Records

AR 5125
Students

Definitions

Student means any individual who is or has been in attendance at the District and regarding whom the District maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Student records are any items of information gathered within or outside the ~~D~~istrict that are directly related to an identifiable student and maintained by the ~~D~~istrict, ~~or~~ required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the District. Any information maintained for the purpose of second-party review is considered a student record. A student record may be recorded in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche, or by other means. Student records include the student's health record. (~~34 CFR 99.3~~; Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (~~34 CFR 99.3~~; Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

1. Directory information

(cf. 5125.1 - Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute

3. Records of the law enforcement unit of the ~~D~~istrict, subject to the provisions of 34 CFR 99.8

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

4. Records created or received by the District after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Access means a personal inspection and review of a record, an accurate copy of a record or receipt of an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Disclosure means to permit access to or the release, transfer, or other communication of, personally identifiable information contained in ~~education student records, to records, to~~ any party, except the party that provided or created the record, by any means including oral, written, or electronic means. (34 CFR 99.3)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name

2. The name of the student's parent/guardian or other family members

3. The address of the student or student's family

4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name

6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

7. Information requested by a person who the District reasonably believes knows the

identity of the student to whom the student record relates

~~Personally identifiable information includes, but is not limited to, the student's name, the name of the student's parent/guardian or other family member, the address of the student or student's family, a personal identifier such as the student's social security number or student number, and a list of personal characteristics or other information that would make the student's identity easily traceable. —(34 CFR 99.3)~~

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. —(5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. —(Education Code 49061, 56050, 56055)

School officials and employees are officials or employees whose duties and responsibilities to the District, whether routine or as a result of special circumstances, require that they have access to student records. School officials and employees also include contractors, consultants, volunteers, or other parties to whom the District has outsourced District functions and who perform services for which the District would otherwise use employees.

Custodian of records is the employee responsible for the security of student records maintained by the District and for devising procedures for assuring that access to such records is limited to authorized persons. —(5 CCR 433)

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

County placing agency means the county social service department or county probation department. —(Education Code 49061)

Persons Granted Access to Student Records ~~Without Prior Written Consent~~

~~Persons, agencies, or organizations specifically granted access rights to student records pursuant to law shall have access without prior written parental consent or judicial order. (Education Code 49076)~~

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

1. Parents/guardians of students younger than age 18, including the parent who is not the student's custodial parent —(Education Code 49069; Family Code 3025)

~~Access to student records and information shall not be denied to a parent because he/she is not the child's custodial parent. — (Family Code 3025)~~

2. An adult student age 18 or older or a student under the age of 18 who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records ~~-(34 CFR 99.3, 99.5)~~

~~3. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077)~~

In addition, the following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose of the requester: ~~-(Education Code 49076)~~

1. Parents/guardians of a dependent student age 18 or older (Education Code 49076; 34 CFR 99.31)

2. Students age 16 or older or who have completed the 10th grade (Education Code 49076; 34 CFR 99.31)

3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)

4. Members of a school attendance review board (SARB) and any volunteer aide age 18 or older who has been investigated, selected, and trained by such a board to provide follow-up services to a referred student (Education Code 49076)

(cf. 5113.1 - Truancy and Chronic Absence)

5. Officials and employees of other public schools, ~~or~~ school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

6. Federal, state, and local officials, as needed for program an audit, s evaluation or compliance activity related to a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)
~~or compliance with law~~

7. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

78. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

89. A prosecuting agency for consideration against a parent/guardian for failure to comply

with compulsory education laws (Education Code 49076)

910. Any probation officer, ~~or~~ district attorney, ~~or counsel of record for a minor student~~ for the purposes of conducting a criminal investigation or an investigation in regards to declaring ~~a person~~ the minor student a ward of the court or involving a violation of a condition of probation, subject to specified evidentiary rules (Education Code 49076)

~~4011.~~ Any judge or probation officer for the purpose of conducting a truancy mediation program for a student, or for purposes of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

~~4412.~~ Any county placing agency for the purpose of preparing a health and education summary fulfilling educational case management responsibilities required by the juvenile court or by law pursuant to Welfare and Institutions Code 16010 for a child placed in foster care, fulfilling educational case management responsibilities required by the juvenile court or by law, or assisting ~~and to assist~~ with the school transfer or enrollment of a student (Education Code 49076)

(cf. 6173.1 - Education for Foster Youth)

13. ~~Any Foster family agencies~~ agency with jurisdiction over currently enrolled or former students for purposes of accessing ~~may access~~ those students' records of grades and transcripts and any individualized education program (IEP) developed and maintained by the ~~D~~istrict ~~with respect to such students.~~ (Education Code 49069.3)

(cf. 6159 - Individualized Education Program)

14. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the District provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

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

The Superintendent or designee may release information from a student's records to the following: ~~(34 CFR 99.36; Education Code 49076)~~

1. Appropriate persons, including parents/guardians of a student, ~~in~~ an emergency if the

health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.36)

2. Accrediting associations (Education Code 49076; 34 CFR 99.31)

3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.

b. The information is destroyed when no longer needed for the purposes for which the study is conducted.

c. The District enters into a written agreement with the organization that includes the information specified in 34 CFR 99.31.

4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll (Education Code 49076; 34 CFR 99.31, 99.36)

5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, in which case the Superintendent or designee shall notify the student's parent/guardian of his/her rights in accordance with law prior to releasing the information (Health and Safety Code 120440)

~~56.~~ Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that

~~—However,~~ information permitting the personal identification of a student or his/her parents/guardians for these purposes may be disclosed only as may be necessary to determine the eligibility of the student for financial aid, ~~to~~ determine the amount of financial aid, ~~to~~ determine the conditions which will be imposed regarding the financial aid, or ~~to~~ enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31, 99.36);-

~~67.~~ County elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register (Education Code 49076; 34 CFR 99.31, 99.36)

~~(cf. 1400—Relations Between Other Governmental Agencies and the Schools)~~

~~The Superintendent or designee may release a student's immunization record information to local health departments operating countywide or regional immunization information and reminder-~~

~~systems and the California Department of Public Health. Prior to releasing such information, the Superintendent or designee shall notify the parent/guardian of his/her right to refuse to share the information as well the other information specified in law. The following information may be released: (Health and Safety Code 120440)~~

- ~~1. Name of the student and the student's parent/guardian~~
- ~~2. Student's gender~~
- ~~3. Student's date and place of birth~~
- ~~4. Types and dates of immunizations received~~
- ~~5. Manufacturer and lot number of the immunization received~~
- ~~6. Adverse reaction to the immunization~~
- ~~7. Other nonmedical information necessary to establish the student's unique identity and record~~

~~Persons Granted Access to Student Records With Prior Written Consent~~

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

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

(cf. 5021 - Noncustodial Parents)

Any person, ~~or~~ agency, or organization granted access is prohibited from releasing information to another person, ~~or~~ agency, or organization without written permission from the parent/guardian or adult student: unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act —(Education Code 49076)

De-Identification of Records

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available

information. (Education Code 49074, 49076; 34 CFR 99.31)

Access to Records by Authorized PersonsProcess for Providing Access to Records

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

~~Authorized persons, organizations, or agencies from outside the school whose access requires consent from the parent/guardian or adult student shall submit their request, together with any required authorization, to the Superintendent or designee or the custodian of records. (5 CCR 435)~~

When prior written consent is required by law, the parent/guardian shall provide a signed and dated written consent before the District discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The consent shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the District shall provide him/her a copy of the records disclosed. (34 CFR 99.30)

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

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

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons. –(5 CCR 433)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. –(5 CCR 435)

Prior to disclosing a record pursuant to a court order or subpoena, the Superintendent or designee

shall, unless otherwise instructed by the court, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested if lawfully possible within the requirements of the judicial order. (Education Code 49077; 34 CFR 99.31; 5 CCR 435)

When the District discloses personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that ~~was~~is disclosed, and give him/her an opportunity for a hearing to challenge the record. (34 CFR 99.34)

When disclosing records for the purpose of conducting a criminal investigation or an investigation in regards to declaring the minor student a ward of the court or involving a violation of an condition of probation, subject to specified evidentiary rules, the Superintendent or designee shall obtain written certification from the recipient of the record(s) that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

Upon releasing student information to a judge or probation officer for the purpose of conducting a truancy mediation program or presenting evidence in a truancy petition, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. In addition, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. -(Education Code 49076)

~~If the district is planning to release a student's immunization information to the county health department or California Department of Public Health, the Superintendent or designee shall inform the student's parents/guardians of the following: (Health and Safety Code 120440)~~

- ~~1. The type of information that will be shared~~
- ~~2. The name and address of the agency with which the district will share the information~~
- ~~3. That any shared information shall be treated as confidential and shall be used to share only with each other and, upon request, with health care providers, child care facilities, family child care homes, service providers for the Women, Infants and Children (WIC) food program, county welfare departments, foster care agencies, and health care plans~~
- ~~4. That the information may be used only to provide immunization service; to provide or facilitate third-party payer payments for immunizations; and/or to compile and disseminate statistical information on immunization status on groups of people, without identifying the student~~
- ~~5. That the parent/guardian has the right to examine any immunization related information shared in this manner and to correct any errors~~

~~6. That the parent/guardian may refuse to allow this information to be shared~~

Access Log

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

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The log does not need to record access by: (Education Code 49064)

1. Parents/guardians or adult students
2. Students 16 years of age or older or who have completed the 10th grade
3. Parties obtaining ~~D~~istrict-approved directory information

(cf. 5125.1 - Release of Directory Information)

4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials or employees who have a legitimate educational interest

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student age 16 years or older or who has completed the 10th grade, custodian of records, and certain state/federal officials. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

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

Changes to Student Records

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

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

(cf. 5125.3 - Challenging Student Records)

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. ~~-(5 CCR 431)~~

The following mandatory permanent student records shall be kept indefinitely: ~~-(5 CCR 432, 437)~~

1. Legal name of student
2. Date and place of birth and method of verifying birth date

(cf. 5111 - Admission)

3. Sex of student
4. Name and address of parent/guardian of minor student
 - a. Address of minor student if different from the above
 - b. Annual verification of parent/guardian's name and address and student's residence

(cf. 5111.1 - District Residency)

~~(cf. 5111.12 - Residency Based on Parent/Guardian Employment)~~

~~(cf. 5111.13 - Residency for Homeless Children)~~

5. Entrance and departure dates of each school year and for any summer session or other extra session

6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given

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

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the ~~D~~istrict. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefore

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

2. A log identifying persons or agencies who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

(cf. 5141.32 - Health Screening for School Entry)

4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

5. Language training records

(cf. 6174 - Education for English Language Learners)

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or denial of student participation in specific programs

10. Results of standardized tests administered within the past three years

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in

independent study

(cf. 6158 - Independent Study)

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)

1. Objective counselor/teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

Transfer of Student Records

If a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

When a student transfers into this district from another, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion. (Education Code 48201)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5119 - Students Expelled From Other Districts)

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

private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (~~Education Code 48918;~~ 5 CCR 438)

Upon receiving a request from an admitting school for a student's records, the ~~D~~district shall also forward any expulsion order and the causes for the expulsion. (Education Code 48918)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a ~~D~~district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

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

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, the ~~D~~district shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled. (~~34 CFR 99.7;~~ Education Code 49063; ~~34 CFR 99.7~~)

(cf. 5145.6 - Parental Notifications)

The notice shall include: (~~34 CFR 99.7, 99.34;~~ Education Code 49063; ~~34 CFR 99.7, 99.34~~)

1. The types of student records kept by the ~~D~~district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so

7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights

(cf. 5125.3 - Challenging Student Records)

8. The cost, if any, charged for duplicating copies of records

9. The categories of information defined as directory information pursuant to Education Code 49073

10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law

11. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

(cf. 5020 - Parent Rights and Responsibilities)

12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of Education concerning an alleged failure by the ~~D~~istrict to comply with 20 USC 1232g

13. A statement that the ~~D~~istrict forwards education records to other agencies or institutions that ~~have requested~~ the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

Regulation ALBANY UNIFIED SCHOOL DISTRICT

~~approved~~Reviewed: October 6, 2009 _____ Albany, California

Revised: _____

Albany USD

Administrative Regulation

Student Records

AR 5125
Students

Definitions

Student means any individual who is or has been in attendance at the District and regarding whom the District maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Student records are any items of information gathered within or outside the District that are directly related to an identifiable student and maintained by the District, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the District. Any information maintained for the purpose of second-party review is considered a student record. A student record may be recorded in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche, or by other means. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

1. Directory information

(cf. 5125.1 - Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute

3. Records of the law enforcement unit of the District, subject to the provisions of 34 CFR 99.8

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

4. Records created or received by the District after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Access means a personal inspection and review of a record, an accurate copy of a record or receipt of an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Disclosure means to permit access to or the release, transfer, or other communication of, personally identifiable information contained in student records, to any party, except the party that provided or created the record, by any means including oral, written, or electronic means. (34 CFR 99.3)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family
4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
7. Information requested by a person who the District reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

School officials and employees are officials or employees whose duties and responsibilities to the District, whether routine or as a result of special circumstances, require that they have access to student records. School officials and employees also include contractors, consultants, volunteers, or other parties to whom the District has outsourced District functions and who perform services for which the District would otherwise use employees.

Custodian of records is the employee responsible for the security of student records maintained by the District and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

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

County placing agency means the county social service department or county probation department. (Education Code 49061)

Persons Granted Access to Student Records

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

1. Parents/guardians of students younger than age 18, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)
2. An adult student age 18 or older or a student under the age of 18 who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records (34 CFR 99.3, 99.5)

In addition, the following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose: (Education Code 49076)

1. Parents/guardians of a dependent student age 18 or older (Education Code 49076; 34 CFR 99.31)
2. Students age 16 or older or who have completed the 10th grade (Education Code 49076; 34 CFR 99.31)

3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)

4. Members of a school attendance review board (SARB) and any volunteer aide age 18 or older who has been investigated, selected, and trained by such a board to provide follow-up services to a referred student (Education Code 49076)

(cf. 5113.1 - Truancy and Chronic Absence)

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

6. Federal, state, and local officials, as needed for an audit, evaluation or compliance activity related to a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

7. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

8. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)

9. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

10. Any probation officer, district attorney, or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor student a ward of the court or involving a violation of a condition of probation, subject to specified evidentiary rules (Education Code 49076)

11. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student, or for purposes of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

12. Any county placing agency for the purpose of preparing a health and education summary pursuant to Welfare and Institutions Code 16010 for a child placed in foster care, fulfilling educational case management responsibilities required by the juvenile court or by law, or assisting with the school transfer or enrollment of a student (Education Code 49076)

(cf. 6173.1 - Education for Foster Youth)

13. Any foster family agency with jurisdiction over currently enrolled or former students for purposes of accessing those students' records of grades and transcripts and any individualized education program (IEP) developed and maintained by the District (Education Code 49069.3)

(cf. 6159 - Individualized Education Program)

14. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the District provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

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

The Superintendent or designee may release information from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.36)
2. Accrediting associations (Education Code 49076; 34 CFR 99.31)
3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)
 - a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.
 - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
 - c. The District enters into a written agreement with the organization that includes the information specified in 34 CFR 99.31.
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll (Education Code 49076; 34 CFR 99.31, 99.36)
5. Local health departments operating countywide or regional immunization information

and reminder systems and the California Department of Public Health, in which case the Superintendent or designee shall notify the student's parent/guardian of his/her rights in accordance with law prior to releasing the information (Health and Safety Code 120440)

6. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or his/her parents/guardians for these purposes may be disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid (Education Code 49076; 34 CFR 99.31, 99.36)

7. County elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register (Education Code 49076; 34 CFR 99.31, 99.36)

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

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

(cf. 5021 - Noncustodial Parents)

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act (Education Code 49076)

De-Identification of Records

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 34 CFR 99.31)

Process for Providing Access to Records

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location

of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When prior written consent is required by law, the parent/guardian shall provide a signed and dated written consent before the District discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The consent shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the District shall provide him/her a copy of the records disclosed. (34 CFR 99.30)

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

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

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons. (5 CCR 433)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Prior to disclosing a record pursuant to a court order or subpoena, the Superintendent or designee shall, unless otherwise instructed by the court, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested if lawfully possible within the requirements of the judicial order. (Education Code 49077; 34 CFR 99.31; 5 CCR 435)

When the District discloses personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed, and give him/her an opportunity for a hearing to challenge the record. (34 CFR 99.34)

When disclosing records for the purpose of conducting a criminal investigation or an

investigation in regards to declaring the minor student a ward of the court or involving a violation of an condition of probation, subject to specified evidentiary rules, the Superintendent or designee shall obtain written certification from the recipient of the record(s) that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

Upon releasing student information to a judge or probation officer for the purpose of conducting a truancy mediation program or presenting evidence in a truancy petition, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. In addition, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. (Education Code 49076)

Access Log

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

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The log does not need to record access by: (Education Code 49064)

1. Parents/guardians or adult students
2. Students 16 years of age or older or who have completed the 10th grade
3. Parties obtaining District-approved directory information

(cf. 5125.1 - Release of Directory Information)

4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials or employees who have a legitimate educational interest

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student age 16 years or older or who has completed the 10th grade, custodian of records, and certain state/federal officials. (Education Code 49064; 5 CCR 432)

Duplication of Student Records

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

Changes to Student Records

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

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

(cf. 5125.3 - Challenging Student Records)

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date

(cf. 5111 - Admission)

3. Sex of student
4. Name and address of parent/guardian of minor student
 - a. Address of minor student if different from the above
 - b. Annual verification of parent/guardian's name and address and student's residence

(cf. 5111.1 - District Residency)

5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given

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

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the District. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefore

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

2. A log identifying persons or agencies who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

(cf. 5141.32 - Health Screening for School Entry)

4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

5. Language training records

(cf. 6174 - Education for English Language Learners)

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or denial of student participation in specific programs

10. Results of standardized tests administered within the past three years

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

(cf. 6158 - Independent Study)

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)

1. Objective counselor/teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

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If a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

When a student transfers into this district from another, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion. (Education Code 48201)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5119 - Students Expelled From Other Districts)

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record as requested by the other district or private school. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918; 5 CCR 438)

Upon receiving a request from an admitting school for a student's records, the District shall also forward any expulsion order and the causes for the expulsion. (Education Code 48918)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a District school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

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

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, the District shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled. (Education Code 49063; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the District and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records

4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights

(cf. 5125.3 - Challenging Student Records)

8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

(cf. 5020 - Parent Rights and Responsibilities)

12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of Education concerning an alleged failure by the District to comply with 20 USC 1232g
13. A statement that the District forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

Regulation	ALBANY UNIFIED SCHOOL DISTRICT	
Reviewed:	October 6, 2009	Albany, California
Revised:		

Albany USD

Administrative Regulation

Release Of Directory Information

AR 5125.1
Students

Definition

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (34 CFR 99.3; Education Code 49061)

1. Name
2. Address
3. Telephone number
4. Electronic mail address
5. Photograph
6. Participation in officially recognized activities and sports
7. Weight and height of athletic team members
78. Diploma and awards received
9. Dates of attendance
10. Most recent previous school attended

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

Directory information does not include a student's social security number or student identification number. However, directory information may include a student identification number, user identification, or other personal identifier used by the student for purposes of accessing or communicating in electronic systems provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user. (34 CFR 99.3)

Notification to Parents/Guardians

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the school or ~~D~~istrict plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the ~~D~~istrict designate any or all types of information as directory information and the period of time within which a parent/guardian must notify the ~~D~~istrict in writing that he/she does not want a certain category of information designated as directory information. (Education Code 49063, 49073; 34 CFR 99.37)

(cf. 5125 - Student Records)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall notify parents/guardians that they may request that the ~~D~~istrict not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (20 USC 7908)

Parent/Guardian Consent

Directory information shall not be released regarding any student whose parent/guardian notifies the ~~D~~istrict in writing that such information not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g; 20 USC 7908)

For a former student, the District shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance at the District, unless the opt-out request has been rescinded. (34 CFR 99.37)

Regulation ALBANY UNIFIED SCHOOL DISTRICT

~~approved~~Reviewed: October 6, 2009 _____ Albany, California

Revised: September 27, 2012

Albany USD

Administrative Regulation

Release Of Directory Information

AR 5125.1
Students

Definition

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (34 CFR 99.3; Education Code 49061)

1. Name
2. Address
3. Telephone number
4. Electronic mail address
5. Photograph
6. Participation in officially recognized activities and sports
7. Weight and height of athletic team members
8. Diploma and awards received
9. Dates of attendance
10. Most recent previous school attended

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

Directory information does not include a student's social security number or student identification number. However, directory information may include a student identification number, user identification, or other personal identifier used by the student for purposes of accessing or communicating in electronic systems provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user. (34 CFR 99.3)

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At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the school or District plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the District designate any or all types of information as directory information and the period of time within which a parent/guardian must notify the District in writing that he/she does not want a certain category of information designated as directory information. (Education Code 49063, 49073; 34 CFR 99.37)

(cf. 5125 - Student Records)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall notify parents/guardians that they may request that the District not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (20 USC 7908)

Parent/Guardian Consent

Directory information shall not be released regarding any student whose parent/guardian notifies the District in writing that such information not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g; 20 USC 7908)

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Regulation	ALBANY UNIFIED SCHOOL DISTRICT	
Reviewed:	October 6, 2009	Albany, California
Revised:	September 27, 2012	

Albany USD

Exhibit

Release Of Directory Information

E 5125.1

Students

PARENT/GUARDIAN NOTICE

RELEASE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that Albany Unified School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the Deistrict may disclose appropriately designated "directory information" without written consent, unless you have advised the Deistrict to the contrary in accordance with Deistrict procedures. The primary purpose of directory information is to allow the Deistrict to include this type of information from your child's education records in certain school and/or Deistrict publications. Examples include:

- *a playbill, showing your child's role in a drama production;
- *the annual yearbook;
- *honor roll or other recognition lists;
- *graduation programs; and
- *sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses, and telephone listings - unless parents/guardians have advised the district that they do not want their child's information disclosed without their prior written consent.

If you do not want the Deistrict to disclose directory information from your child's education records without your prior written consent, you must notify the Deistrict in writing by (insert date) September 15th. The Deistrict has designated the following information as directory information:

1. Name
2. Address

3. Telephone number

4. Electronic mail address

5. Photograph

~~6. Date and place of birth~~

~~7. Major field of study~~

~~8~~6. Participation in officially recognized activities and sports

~~9~~7. Weight and height of athletic team members

~~10~~8. Dates of attendance

~~11~~9. Degrees and awards received

~~12~~10. Most recent previous school attended

Exhibit ALBANY UNIFIED SCHOOL DISTRICT

~~version~~Version: ____ October 6, 2009 Albany, California

Revised: September 27, 2012

Albany USD

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Exhibit ALBANY UNIFIED SCHOOL DISTRICT
Version: October 6, 2009 Albany, California
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Exhibit ALBANY UNIFIED SCHOOL DISTRICT
Version: October 6, 2009 Albany, California
Revised: September 27, 2012

Albany USD

Board Policy

Weapons And Dangerous Instruments

BP 5131.7

Students

The Board of Education desires students and staff to be free from the danger presented by firearms and other weapons and recognizes that they have the right to a safe and secure campus free from psychological and physical harm.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

Possession of Weapons

The Board prohibits any person other than authorized law enforcement or security personnel from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or ~~D~~district vehicles, at school-related or school-sponsored activities away from school, or while going to or coming from school.

(cf. 3515.3 - District Police/Security Department)

~~Any student who is determined to have brought a firearm to school or possessed a firearm at school, as verified by a school employee, shall be expelled for not less than one year, except that the Board may set an earlier date for readmission on a case by case basis, in accordance with Board policy and administrative regulation. (Education Code 48915; 20 USC 7151)~~

~~(cf. 5144.1 - Suspension and Expulsion/Due Process)~~

~~(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))~~

Students possessing or threatening others with any weapon, dangerous instrument, or imitation firearm are subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Under the power granted to the Board to maintain order and discipline in the schools and to

protect the safety of students, staff, and ~~the public~~others, any school employee is authorized to confiscate any prohibited –weapon, dangerous instrument, or imitation firearm from any ~~person~~student on school grounds.

(cf. 4158/4258/4358 - Employee Security)

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other dangerous weapon or instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (Education Code 48902; Penal Code 245, 626.9, 626.10; 20 USC 7151)

Possession of Pepper Spray

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

Reporting of Dangerous Objects

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

(cf. 5125 - Student Records)

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The strategy shall also provide a method of informing staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

~~(cf. 5138—Conflict Resolution/Peer Mediation)~~

Legal Reference:

EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions

48916 Readmission

49330-49335 Injurious objects

PENAL CODE

245 Assault with deadly weapon

417.4 Imitation firearm; drawing or exhibiting
 626.9 Gun-Free School Zone Act of 1995
 | 626.10 -Dirks, daggers, knives, razor or stun gun; bringing or possessing in school
 653k Switchblade knife
 16100-17350 Definitions
 22810-23025 Tear gas weapon (pepper spray)
 25200-25225 Firearms, access to children
 30310 Prohibition against ammunition on school grounds
 UNITED STATES CODE, TITLE 20
 | 6301-7941 No Child Left Behind Act, ~~especially:~~
 7151 Gun-Free Schools Act

Management Resources:

CSBA PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

0401.01 Protecting Student Identification in Reporting Injurious Objects

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act, January
 2004

WEB SITES

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

California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>

National Alliance for Safe Schools: <http://www.safeschools.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug Free Schools:
<http://www.ed.gov/about/offices/list/osdfs>

Policy ALBANY UNIFIED SCHOOL DISTRICT

| ~~A~~adopted: October 6, 2009 Albany, California

| ~~R~~evised: October 18, 2011

| Revised: _____

Albany USD

Board Policy

Weapons And Dangerous Instruments

BP 5131.7

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(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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(cf. 3515.3 - District Police/Security Department)

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Under the power granted to the Board to maintain order and discipline in the schools and to protect the safety of students, staff, and others, any school employee is authorized to confiscate any prohibited weapon, dangerous instrument, or imitation firearm from any student on school grounds.

(cf. 4158/4258/4358 - Employee Security)

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other dangerous weapon or instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (Education

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35291 Governing board to prescribe rules for discipline of the schools

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22810-23025 Tear gas weapon (pepper spray)

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UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act, especially:

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Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: October 6, 2009 Albany, California

Revised: October 18, 2011

Revised:

Albany USD

Administrative Regulation

Weapons And Dangerous Instruments

AR 5131.7
Students

Prohibited weapons and dangerous instruments include, but are not limited to: (Education Code 48915, 49330; Penal Code 626.10, 16100-17350, 30310)

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion
2. Ammunition or reloaded ammunition
3. Knives, razor blades, and box cutters: any dirks, daggers, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade
4. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices
5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun
6. Any other dangerous device, instrument, or weapon, including those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
7. Any imitation firearm, defined as 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

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the District. (Education Code 49331, 49332)

(cf. 5145.12 - Search and Seizure)

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

(cf. 0450 - Comprehensive Safety Plan)
 (cf. 3515.3 - District/Police Security Department)
 (cf. 4158/4258/4358 - Employee Security)

When informing the principal about the possession of a weapon or dangerous instrument, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of the possession.

The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. (Education Code 49331, 49332)

Regulation	ALBANY UNIFIED SCHOOL DISTRICT	
Reviewed:	September 27, 2012	Albany, California

Albany Unified School District

Board Policy

Discipline

BP 5144

Students

The Board of Education desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. In addition, discipline shall be used in a manner that corrects student behavior without intentionally creating an adverse effect on student learning or health.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)

Each school shall develop disciplinary rules to meet the school's particular needs.

(cf. 5131 - Conduct)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. Persistently disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

(cf. 6164.5 - Student Success Teams)

(cf. 6184 - Continuation Education)

Staff shall enforce disciplinary rules fairly, consistently and in accordance with the District's nondiscrimination policies ~~without discrimination.~~

(cf. 0410 - Nondiscrimination in District Programs and Activities)
 (cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee ~~shall~~may provide professional development as necessary to assist staff in developing classroom management skills ~~and~~, implementing effective disciplinary techniques and establishing cooperative relationships with parents/guardians.

(cf. 4131 - Staff Development)
 (cf. 4231 - Staff Development)
 (cf. 4331 - Staff Development)

Legal Reference:

CIVIL CODE

1714.1 Parental liability for child's misconduct

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Management Resources:

CSBA PUBLICATIONS

Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

~~Protecting Our Schools: Board of Education Strategies to Combat School Violence, 1999~~

CDE PROGRAM ADVISORIES

Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

~~1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3~~

~~1223.88 Corporal Punishment, CIL: 88/9-5~~

STATE BOARD OF EDUCATION POLICIES

01-02 School Safety, Discipline, and Attendance, March 2001

WEB SITES

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

USDOE: <http://www.ed.gov>

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: ____ October 6, 2009 Albany, California

Revised: _____

Albany Unified School District

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(cf. 0450 - Comprehensive Safety Plan)
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 (cf. 4158/4258/4358 - Employee Security)
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CSBA PUBLICATIONS

Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

CDE PROGRAM ADVISORIES

Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

STATE BOARD OF EDUCATION POLICIES

01-02 School Safety, Discipline, and Attendance, March 2001

WEB SITES

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Policy ALBANY UNIFIED SCHOOL DISTRICT
Adopted: October 6, 2009 Albany, California
Revised:

DRAFT

Albany Unified School District

Administrative Regulation

Discipline

AR 5144
Students

Site-Level Rules

In developing site-level disciplinary rules, the school shall solicit the participation, views and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any

(cf. 3515.3 - District Police/Security Department)

5. For junior high and high schools, students enrolled in the school

The final version of the rules shall be adopted by a panel comprised of the principal or designee and a representative selected by classroom teachers employed at the school. Each school shall file a copy of its rules with the Superintendent or designee.

| The rules shall be consistent with law, Board of Education policy and ~~D~~istrict regulations. The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

Each school shall review its site-level discipline rules at least every four years.

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

Disciplinary strategies provided in Board policy, regulation and law may be used in developing site-level rules. These strategies include but are not limited to:

1. Referral of the student for advice and counseling

| (cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

2. Discussion or conference with parents/guardians

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

3. Recess restriction

4. Detention during and after school hours

5. Community service

6. Reassignment to an alternative educational environment

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

7. Removal from the class in accordance with Board policy, administrative regulation and law

| 8. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

9. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities

| (cf. 6145 – Extracurricular/Cocurricular Activities)

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to property or to obtain possession of weapons or other dangerous objects within the control of the student. (Education Code 49001)

(cf. 4158/4258/4358 - Employee Security)
 (cf. 5131.7 - Weapons and Dangerous Instruments)

Recess Restriction

A teacher may restrict a student's recess time when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other disciplinary measures before imposing the restriction. Recess restriction shall be, subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. Teachers ~~may~~shall inform the principal of any recess restrictions they impose.

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

Detention After School

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day. (5 CCR 353)

Students shall remain under the supervision of a certificated employee during the period of detention. Notification to parent/guardian or after-school care provider shall occur prior to detention (grades K-5).

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of ~~D~~istrict rules related to discipline. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

Regulation ALBANY UNIFIED SCHOOL DISTRICT
approved~~Reviewed~~: October 6, 2009 Albany, California
Revised: September 27, 2012

Albany Unified School District

Administrative Regulation

Discipline

AR 5144
Students

Site-Level Rules

In developing site-level disciplinary rules, the school shall solicit the participation, views and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any

(cf. 3515.3 - District Police/Security Department)

5. For junior high and high schools, students enrolled in the school

The final version of the rules shall be adopted by a panel comprised of the principal or designee and a representative selected by classroom teachers employed at the school. Each school shall file a copy of its rules with the Superintendent or designee.

The rules shall be consistent with law, Board of Education policy and District regulations. The Board may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law. (Education Code 35291.5)

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At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of District rules related to discipline. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

Regulation	ALBANY UNIFIED SCHOOL DISTRICT	
Reviewed:	October 6, 2009	Albany, California
Revised:	September 27, 2012	

Albany USD

Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

Students

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

(cf. 5144 - Discipline)

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the District's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when the student involved has a history of misconduct and other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

To correct the behavior of students who are subject to discipline, the Superintendent or designee, to the extent allowed by law, shall use alternative disciplinary measures that keep students in school during the school day.

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

(cf. 6145 - Extracurricular and Cocurricular Activities)

Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or

designee shall comply with procedures for notices, hearings and appeals as specified in administrative regulation and/or law. (Education Code 48911, 48915, 48915.5)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is suspended from class by a teacher because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may ~~provide~~ require that the student's parent/guardian attend a portion of a school day in the class from which the student was suspended. (Education Code 48900.1)

Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

The principal or designee shall contact a parent/guardian who does not respond to the request to attend school by telephone, mail, or other means that maintains the confidentiality of the student's records. The Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

(cf. 5125 - Student Records)

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48667 Community day schools

48900-48927 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on

behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

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921 Definitions, firearm

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Management Resources:

CSBA PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights Data Collection Summary, March 2012

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

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

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs/index.html>

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: ___ October 6, 2009 Albany, California

Revised: _____

Albany USD

Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

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Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: October 6, 2009 Albany, California

Revised:

Albany USD

Administrative Regulation

Suspension And Expulsion/Due Process

AR 5144.1
Students

Definitions

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Education for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

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

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

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

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

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

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(t))

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension, and expulsion. (Education Code [35291](#), 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(s))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from ~~the Superintendent or designee~~ a certificated school employee with the principal or designee's concurrence. (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

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 such controlled substance, alcoholic beverage, or intoxicant. (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))

7. Stole or attempted to steal school property or private property. (Education Code 48900(g))

8. Possessed or used tobacco or 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 a student from using or possessing his/her own prescription products. (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))

10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))

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 their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

12. Knowingly received stolen school property or private property. (Education Code 48900(l))

13. Possessed an imitation firearm. (Education Code 48900(m))

Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))

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. (Education Code 48900(o))

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))

17. Engaged in, or attempted to engage in, hazing. (Education Code 48900(q))

Hazing means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

18. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she engaged in any of the following activities:

19. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)

Sexual harassment means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, ethnicity, color, religion, ancestry, national origin, disability, gender, gender identity, gender expression or sexual orientation; a perception of the presence of any of those characteristics in a person; or the person's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

21. Intentionally engaged in harassment, threats, or intimidation against ~~D~~istrict 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)

(cf. 5145.3 - Nondiscrimination/Harassment)

22. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. (Education Code 48900(r))

Bullying means one or more acts by a student or group of students that constitutes- sexual harassment pursuant to Education Code 48900.2, as defined in item #19 above; hate violence pursuant to Education Code 48900.3, as defined in item #20 above; or harassment, threats, or intimidation pursuant to Education Code 48900.4, as defined in item #21 above. (Education Code ~~32261~~48900(r))

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, ~~or image,~~ or post on a social network Internet website by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

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

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(u))

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

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

Removal from Class by a Teacher/Parental Attendance

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

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

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible, the teacher ~~may~~shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests. (Education Code 48910)

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

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

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

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

This notice shall also:

11. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
22. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

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

The Superintendent, ~~or principal, or designee~~ may suspend a student from school for any of the acts listed in "Grounds for Suspension and Expulsion" above. A student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

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

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

1. Possessing, as verified by a ~~D~~istrict employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possession of an explosive as defined in 18 USC 921

Explosive means a destructive device and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device. A destructive device includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)

Suspension also may be imposed upon a first offense if the Superintendent, ~~or principal~~ or designee determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

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

Code 48903, 48911, 48912)

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

Suspensions shall be initiated according to the following procedures:

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

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

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

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

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

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

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

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

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

Suspension by the Board

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

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

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

Supervised Suspension Classroom

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j)) The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

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

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

Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal or the Superintendent or designee shall recommend a

student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, 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 and 242, upon any school employee

Mandatory Recommendation and Mandatory Expulsion

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

1. Possessing, as verified by a ~~D~~istrict employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

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

Student's Right to Expulsion Hearing

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

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent

postponement may be granted at the Board's discretion. (Education Code 48918(a))

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

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

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

After a determination that one of the grounds listed above under "Grounds for Suspension and Expulsion" has occurred, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian.

Rights of Complaining Witness

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

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

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

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

pending. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

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

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of ~~D~~istrict disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the ~~D~~istrict to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

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

Conduct of Expulsion Hearing

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

shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

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

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

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

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

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

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and

Expulsion" above. (Education Code 48918(h))

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

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

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

- a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
 - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
 - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
 - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the District shall provide a nonthreatening environment.
- (1) The District shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) At the discretion of the person conducting the hearing, the complaining witness shall be

allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision Within 10 School Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

7. Decision Within 40 School Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing, including the requirement to issue its decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed." (Education Code 48918(a) and (d))

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

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

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

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

Final Action by the Board

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

(cf. 9321.1 - Closed Session Actions and Reports)

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

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the Deistrict. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

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

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

Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion" in Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision Not to Enforce Expulsion Order

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

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

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student

shall be on probationary status. (Education Code 48917)

3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the ~~D~~istrict's rules and regulations governing student conduct. (Education Code 48917)

4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)

5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a ~~D~~istrict school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)

6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County ~~Board~~Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))-

7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Right to Appeal

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

The student shall submit a written request for a copy of the written transcripts and supporting documents from the ~~D~~istrict simultaneously with the filing of the notice of appeal with the County Board. The ~~D~~istrict shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notifications to Law Enforcement Authorities

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

The principal or designee also shall notify appropriate city or county law enforcement authorities

of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession, sale, or furnishment of ~~weapons or~~ firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

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

Post-Expulsion Placements

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

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

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and ~~#2019-212~~ under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

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

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the ~~De~~istrict shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the

Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.

3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.

4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.

5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other ~~D~~district students or employees. (Education Code 48916)

6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially_

—selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)

7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

Maintenance of Records

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

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

(cf. 5119 - Students Expelled from Other Districts)

Outcome Data

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Regulation ALBANY UNIFIED SCHOOL DISTRICT

Reviewed~~approved~~: June 15, 2010 Albany, California

Revised: September 27, 2012

Albany USD

Administrative Regulation

Suspension And Expulsion/Due Process

AR 5144.1
Students

Definitions

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Education for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

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

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

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

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

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

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(t))

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension, and expulsion. (Education Code 35291, 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(s))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee with the principal or designee's concurrence. (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

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 such controlled substance, alcoholic beverage, or intoxicant. (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))

7. Stole or attempted to steal school property or private property. (Education Code 48900(g))

8. Possessed or used tobacco or 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 a student from using or possessing his/her own prescription products. (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))

10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))

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 their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

12. Knowingly received stolen school property or private property. (Education Code 48900(l))

13. Possessed an imitation firearm. (Education Code 48900(m))

Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))

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. (Education Code 48900(o))

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))

17. Engaged in, or attempted to engage in, hazing. (Education Code 48900(q))

Hazing means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

18. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she engaged in any of the following activities:

19. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)

Sexual harassment means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, ethnicity, color, religion, ancestry, national origin, disability, gender, gender identity, gender expression or sexual orientation; a perception of the presence of any of those characteristics in a person; or the person's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

21. 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)

(cf. 5145.3 - Nondiscrimination/Harassment)

22. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. (Education Code 48900(r))

Bullying means one or more acts by a student or group of students that constitutes sexual harassment pursuant to Education Code 48900.2, as defined in item #19 above; hate violence pursuant to Education Code 48900.3, as defined in item #20 above; or harassment, threats, or intimidation pursuant to Education Code 48900.4, as defined in item #21 above. (Education Code 48900(r))

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, image, or post on a social network Internet website by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

(cf. 1114 - District-Sponsored Social Media)
(cf. 5131.2 - Bullying)

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

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(u))

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

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

Removal from Class by a Teacher/Parental Attendance

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

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

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests. (Education Code 48910)

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

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

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

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

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

Suspension by Superintendent, Principal, or Designee

The Superintendent, principal, or designee may suspend a student from school for any of the acts listed in "Grounds for Suspension and Expulsion" above. A student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

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

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

1. Possessing, as verified by a District employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possession of an explosive as defined in 18 USC 921

Explosive means a destructive device and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device. A destructive device includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year unless, for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

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

Suspensions shall be initiated according to the following procedures:

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

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

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

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

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

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

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

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

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

Suspension by the Board

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

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

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

Supervised Suspension Classroom

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j)) The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

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

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

Mandatory Recommendation for Expulsion

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

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, 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 and 242, upon any school employee

Mandatory Recommendation and Mandatory Expulsion

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

1. Possessing, as verified by a District employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

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

Student's Right to Expulsion Hearing

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

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

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

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

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

After a determination that one of the grounds listed above under "Grounds for Suspension and Expulsion" has occurred, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian.

Rights of Complaining Witness

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

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

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

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

Written Notice of the Expulsion Hearing

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

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of District disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the District to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

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

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

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

2. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

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

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

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

4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

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

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

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

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

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

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing, including the requirement to issue its decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed." (Education Code 48918(a) and (d))

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

If expulsion is recommended, findings of fact in support of the recommendation shall be

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

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

Final Action by the Board

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

(cf. 9321.1 - Closed Session Actions and Reports)

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

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the District. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

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

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

Written Notice to Expel

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

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

Decision Not to Enforce Expulsion Order

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

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

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the District's rules and regulations governing student conduct. (Education Code 48917)

4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a District school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Right to Appeal

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

The student shall submit a written request for a copy of the written transcripts and supporting documents from the District simultaneously with the filing of the notice of appeal with the County Board. The District shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notifications to Law Enforcement Authorities

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

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession, sale, or furnishment of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall

notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

Post-Expulsion Placements

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

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

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #19-21 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

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

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the District shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if

information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.

4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.

5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other District students or employees. (Education Code 48916)

6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)

7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

Maintenance of Records

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

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

(cf. 5119 - Students Expelled from Other Districts)

Outcome Data

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled

4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Regulation ALBANY UNIFIED SCHOOL DISTRICT
Reviewed: June 15, 2010 Albany, California
Revised: September 27, 2012

Albany USD

Board Policy

Sexual Harassment

BP 5145.7
Students

The Board of Education is committed to maintaining an educational environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any persons who files a complaint, testifies, assist or otherwise participates in the District complaint processes established pursuant to this policy and the administrative regulation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence gender
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the District's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable

~~(cf. 5131.5—Vandalism, Theft and Graffiti)
 (cf. 5137—Positive School Climate)
 (cf. 5145.3—Nondiscrimination/Harassment)
 (cf. 6142.1—Sexual Health and HIV/AIDS Prevention Instruction)~~

Complaint Process

Any student who feels that he/she is being or has been subjected to sexual harassment on school grounds or at a school-sponsored or school-related activity (e.g., by a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, ~~within 24 hours of receiving the complaint,~~ report it in accordance with administrative regulation ~~to the principal or designee.~~

~~(cf. 1312.1 - Complaints Concerning District Employees)
 (cf. 5141.4 - Child Abuse Prevention and Reporting)~~

~~Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.~~

~~In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee.~~

~~(cf. 4119.11/4219.11/4319.11—Sexual Harassment)
 (cf. 5141.4—Child Abuse Prevention and Reporting)
 (cf. 5145.3—Nondiscrimination/Harassment)~~

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

~~(cf. 1312.1—Complaints Concerning District Employees)~~

Disciplinary ~~Measures~~Actions

Any student who engages in sexual harassment or sexual violence of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline, the entire circumstances

of the incident(s) shall be taken into account.

[\(cf. 5144.1 - Suspension and Expulsion/Due Process\)](#)

[\(cf. 5144.2 - Suspension and Expulsion/Due Process \(Students with Disabilities\)\)](#)

[Confidentiality and](#) Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the [D](#)istrict to monitor, address and prevent repetitive harassing behavior in its schools.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

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

[\(cf. 5125 - Student Records\)](#)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform [c](#)omplaint [p](#)rocedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

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

COURT DECISIONS

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

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
 Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
 Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
 Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
 Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
 Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

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

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

WEB SITES

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

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy ALBANY UNIFIED SCHOOL DISTRICT

Aadopted: ____ October 6, 2009 Albany, California

Revised: ____ June 15, 2010

Revised: ____

Albany USD

Board Policy

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BP 5145.7

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(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

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4. Information about the District's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable

Complaint Process

Any student who feels that he/she is being or has been subjected to sexual harassment on school grounds or at a school-sponsored or school-related activity (e.g., by a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall report it in accordance with administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Confidentiality and Record-Keeping

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

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

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

(cf. 5125 - Student Records)

Legal Reference:

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 1681-1688 Title IX, discrimination
 UNITED STATES CODE, TITLE 42
 1983 Civil action for deprivation of rights
 2000d-2000d-7 -Title VI, Civil Rights Act of 1964
 2000e-2000e-17 -Title VII, Civil Rights Act of 1964 as amended
 CODE OF FEDERAL REGULATIONS, TITLE 34
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 COURT DECISIONS
 Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
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 Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
 Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
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OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Sexual Violence, April 4, 2011
 Sexual Harassment: It's Not Academic, September 2008
 Revised Sexual Harassment Guidance, January 2001

WEB SITES

California Department of Education: <http://www.cde.ca.gov>
 U.S. Department of Education, Office for Civil Rights:
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Adopted: October 6, 2009 Albany, California
 Revised: June 15, 2010
 Revised:

Albany USD

Administrative Regulation

Sexual Harassment

AR 5145.7

Students

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite ~~gender~~sex, in the educational setting, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

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

1. Unwelcome leering, sexual flirtations or propositions
2. Unwelcome Sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation

4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, ~~or obscene~~ gestures or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class
7. Massaging, grabbing, fondling, stroking or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
~~Purposefully cornering or blocking normal movements~~
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of District rules, regulations, procedures and standards of conduct are posted, including school websites (Education Code 231.5)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session (Education Code 231.5)

4. Appear in any school or District publication that sets forth the school's or District's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)

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

Complaints of sexual harassment, or any behavior prohibited by the District's Nondiscrimination/Harassment policy - BP 5145.3, shall be handled in accordance with the following procedure:

1. Notice and Receipt of Complaint: Any student who believes he/she has been subjected to

sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within one (1) business day of receiving a complaint, the school employee shall report it to the District Coordinator for Nondiscrimination (Superintendent) or designee.

In any case of sexual harassment involving the Coordinator to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent's designee.

2. Initiation of Investigation: The Coordinator shall initiate an impartial investigation of an allegation of sexual harassment within ten school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The District shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, or an employee who received a complaint from a student.

If the Coordinator receives an anonymous complaint or media report about alleged sexual harassment, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

3. Initial Interview with Student: When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator or designee shall describe the District's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the District's ability to investigate.

4. Investigation Process: The Coordinator and/or designee shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Coordinator or designee shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator or designee may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Coordinator's designee also may discuss the complaint with the Superintendent, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and

District legal counsel or the District's risk manager.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

5. Interim Measures: The Coordinator shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.

6. Optional Mediation: In cases of student-on-student harassment, when the student who complained and the alleged harasser so agree, the Coordinator may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

(cf. 5138 - Conflict Resolution)

7. Factors in Reaching a Determination: In reaching a decision about the complaint, the Coordinator or designee may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of how the complaining student reacted to the incident
- d. Evidence of any past instances of harassment by the alleged harasser
- e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Coordinator or designee may take into consideration:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them
- d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
- e. The size of the school, location of the incidents, and context in which they occurred

f. Other incidents at the school involving different students

8. Written Report on Findings and Follow-Up: No more than 30 days after receiving the complaint, the Coordinator or designee shall conclude the investigation, prepare a written report of his/her findings and submit said report to the Coordinator (Superintendent). This timeline may be extended for good cause. If an extension is needed, the Coordinator shall notify the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

In addition, the Coordinator shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator or designee shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

~~1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:~~

~~a. The student who is complaining~~

~~b. The person accused of harassment~~

~~c. Anyone who witnessed the conduct complained of~~

~~d. Anyone mentioned as having related information~~

~~2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.~~

~~3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:~~

~~a. The Superintendent or designee~~

~~b. The parent/guardian of the student who complained~~

~~c. If the alleged harasser is a student, his/her parent/guardian~~

d. ~~— A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth~~

e. ~~— Child protective agencies responsible for investigating child abuse reports~~

(cf. 5141.4—Child Abuse Prevention and Reporting)

f. ~~— Legal counsel for the district~~

4. ~~— When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.~~

5. ~~— In reaching a decision about the complaint, the principal or designee may take into account:~~

a. ~~— Statements made by the persons identified above~~

b. ~~— The details and consistency of each person's account~~

c. ~~— Evidence of how the complaining student reacted to the incident~~

d. ~~— Evidence of any past instances of harassment by the alleged harasser~~

e. ~~— Evidence of any past harassment complaints that were found to be untrue~~

6. ~~— To judge the severity of the harassment, the principal or designee may take into consideration:~~

a. ~~— How the misconduct affected one or more students' education~~

b. ~~— The type, frequency and duration of the misconduct~~

c. ~~— The number of persons involved~~

d. ~~— The age and gender of the person accused of harassment~~

e. ~~— The subject(s) of harassment~~

f. ~~— The place and situation where the incident occurred~~

g. ~~— Other incidents at the school, including incidents of harassment that were not related to gender~~

~~7. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.~~

~~8. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If the principal or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.~~

~~9. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up.~~

Enforcement

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

1. Removing vulgar or offending graffiti-

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

~~Providing staff inservice and student instruction or counseling.~~

3. Disseminating and/or summarizing the District's policy and regulation regarding sexual harassment

~~Notifying parents/guardians of the actions taken.~~

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community

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

(cf. 5125 - Student Records)

~~Notifying child protective services.~~

5. Taking appropriate disciplinary action-

In addition, ~~the principal or designee may take~~ disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she

knew was not true.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Regulation ALBANY UNIFIED SCHOOL DISTRICT

~~approved~~Reviewed: October 6, 2009 Albany, California

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(cf. 5131 - Conduct)

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District legal counsel or the District's risk manager.

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(cf. 5131.5 - Vandalism and Graffiti)

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(cf. 4131 - Staff Development)

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3. Disseminating and/or summarizing the District's policy and regulation regarding sexual harassment

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community

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(cf. 5125 - Student Records)

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(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

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