A. OPENING PROCEDURE – Gallery Room – 2 p.m.

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda

Moved by ______________ Seconded by ______________

Dr. Jerry Dannenberg: ______________ Ms. Jackie Moran: ______________
Mr. Matt Almaraz: ______________ Ms. Sabrena Rodriguez: ______________
Ms. Velma Lomax: ______________

4. Roll Call
   Board Members:
   Dr. Jerry Dannenberg: ______________ Ms. Jackie Moran: ______________
   Mr. Matt Almaraz: ______________ Ms. Sabrena Rodriguez: ______________
   Ms. Velma Lomax: ______________

Superintendent:
   Dr. Roger Rice ______________

5. Public Comment
   Public comments are welcome and encouraged by the Board within reasonable meeting time considerations in order to conduct the District’s business. During this time, the President of the Board may acknowledge visitors’ requests to speak on any agenda item. Persons wishing to address the Board should complete a “speaker form” and turn it into the recording secretary. Individual speakers shall be allowed three minutes on any agenda item with a cumulative total of five minutes for all agenda items. The Board shall limit the total time for public input on each item to 20 minutes. Also, speakers will not be allowed to give their time to other speakers. The Board is prohibited from taking action on any item that is not part of the printed and published agenda. Members of the public are encouraged to submit comments in writing.

B. REGULAR SESSION – Gallery Room

1. Coronavirus
   The Board will receive a briefing from the superintendent regarding the latest development of the Coronavirus.

   Resource Person(s):
   Dr. Roger Rice, Superintendent

2. Special Education
   The Board will hear a summary of issues and challenges the district faces in the area of special education. A discussion of potential options will follow.

   Resource Person(s):
   Dr. Danielle Cortes, Assistant Superintendent of Educational Services
   Mr. Marcus Konantz, Director of Special Education
C. CONSENT

It is recommended that item number 1 be approved by the Board as presented.

Moved by ____________  Seconded by ____________

Dr. Jerry Dannenberg: ____________  Ms. Jackie Moran: ____________
Mr. Matt Almaraz: ____________  Ms. Sabrena Rodriguez: ____________
Ms. Velma Lomax: ____________

1. Consideration for Board Policy Updates – Immigration Status

It is recommended that the Board approve the attached list of policies. These policies were updated to include the immigration status as a protected class per California law.

Resource Person(s):
Dr. Danielle Cortes, Assistant Superintendent of Educational Services
Dr. Jeff Davis, Assistant Superintendent of Certificated Human Resources

D. ADJOURNMENT

Moved by ____________  Seconded by ____________

Dr. Jerry Dannenberg: ____________  Ms. Jackie Moran: ____________
Mr. Matt Almaraz: ____________  Ms. Sabrena Rodriguez: ____________
Ms. Velma Lomax: ____________
Ventura Unified School District

Board Policy Updates – Immigration Status

Special Board Meeting: Feb. 28, 2020

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1340</td>
<td>Access To District Records</td>
</tr>
<tr>
<td>1340</td>
<td>Access To District Records</td>
</tr>
<tr>
<td>5111</td>
<td>Admission</td>
</tr>
<tr>
<td>5111</td>
<td>Admission</td>
</tr>
<tr>
<td>5131</td>
<td>Conduct</td>
</tr>
<tr>
<td>5111.1</td>
<td>District Residency</td>
</tr>
<tr>
<td>5111.1</td>
<td>District Residency</td>
</tr>
<tr>
<td>5145.9</td>
<td>Hate-Motivated Behavior</td>
</tr>
<tr>
<td>6175</td>
<td>Migrant Education Program</td>
</tr>
<tr>
<td>0410</td>
<td>Nondiscrimination In District Programs and Activities</td>
</tr>
<tr>
<td>5145.3</td>
<td>Nondiscrimination/Harassment</td>
</tr>
<tr>
<td>5145.3</td>
<td>Nondiscrimination/Harassment</td>
</tr>
<tr>
<td>5145.6</td>
<td>Parental Notifications</td>
</tr>
<tr>
<td>5145.6</td>
<td>Parental Notifications</td>
</tr>
<tr>
<td>5125.1</td>
<td>Release of Directory Information</td>
</tr>
<tr>
<td>5125.1</td>
<td>Release of Directory Information</td>
</tr>
<tr>
<td>5125.1</td>
<td>Release of Directory Information</td>
</tr>
<tr>
<td>5022</td>
<td>Student and Family Privacy Rights</td>
</tr>
<tr>
<td>5022</td>
<td>Student and Family Privacy Rights</td>
</tr>
<tr>
<td>5125</td>
<td>Student Records</td>
</tr>
<tr>
<td>5125</td>
<td>Student Records</td>
</tr>
<tr>
<td>1312.3</td>
<td>Uniform Complaint Procedures</td>
</tr>
<tr>
<td>1312.3</td>
<td>Uniform Complaint Procedures</td>
</tr>
</tbody>
</table>
Ventura USD
Board Policy
Access To District Records

BP 1340
Community Relations

The Governing Board recognizes the right of citizens to have access to public records of the district. The Board intends the district to provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3580 - District Records)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 5145.13 Response to Immigration Enforcement)
(cf. 6162.5 - Student Assessment)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9321 - Closed Session Purposes and Agendas)

In response to a public records request, the Superintendent or designee shall make reasonable efforts to locate the requested records, including, but not limited to, any electronic communication substantively related to the records, such as email, text messages, instant messages, and other electronic communications, regardless of whether they are transmitted through a district-provided device or account or through an employee's or Board member's personal device or account.

(cf. 4040 - Employee Use of Technology)
(cf. 9012 - Board Member Electronic Communications)

The district may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

In order to help maintain the security of district records, members of the public granted access shall examine records in the presence of a district staff member.

Legal Reference:
EDUCATION CODE
234.7  Student protections relating to immigration and citizenship status
35145  Public meetings
35170  Authority to secure copyrights
ACCESS TO DISTRICT RECORDS

BP 1340 (b)

35250 Duty to keep certain records and reports
41020 Requirement for annual audit

Community Relations

ACCESS TO DISTRICT RECORDS

42103 Publication of proposed budget; hearing
44031 Personnel file contents and inspections
44839 Medical certificates; periodic medical examination
49060-49079 Student records
49091.10 Parental review of curriculum and instruction

GOVERNMENT CODE
3547 Proposals relating to representation
6250-6270 California Public Records Act
6275-6276.48 Other exemptions from disclosure
8310.3 California Religious Freedom Act
53262 Employment contracts
54957.2 Minute book record of closed sessions
54957.5 Agendas and other writings distributed for discussion or consideration
81008 Political Reform Act, public records; inspection and reproduction

CALIFORNIA CONSTITUTION
Article 1, Section 3 Right of access to governmental information

CODE OF REGULATIONS, TITLE 5
430-438 Individual student records

COURT DECISIONS
City of San Jose v. Superior Court (2017) 2 Cal.5th 608
Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282
International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County, (2007) 42 Cal.4th 319

ATTORNEY GENERAL OPINIONS

Management Resources:
CSBA PUBLICATIONS
Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues
Summary of the California Public Records Act, 2004

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

WEB SITES
CSBA: http://www.csba.org
Institute for Local Government: http://www.cacities.org
State Bar of California: http://www.calbar.ca.gov

Policy VENTURA UNIFIED SCHOOL DISTRICT
adopted: Ventura, California
Administrative Regulation
Access To District Records

AR 1340
Community Relations

Definitions

Public records include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics. (Government Code 6252)

(cf. 3580 - District Records)
(cf. 9012 - Board Member Electronic Communications)

Writing means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

Member of the public means any person, except a member, agent, officer, or employee of the district or a federal, state, or other local agency acting within the scope of such membership, agency, office, or employment. (Government Code 6252)

Public Records

Public records to which members of the public shall have access include, but are not limited to:

1. Proposed and approved district budgets and annual audits (Education Code 41020, 42103)

(cf. 3100 - Budget)
(cf. 3460 - Financial Reports and Accountability)

2. Statistical compilations

3. Reports and memoranda

4. Notices and bulletins

5. Minutes of public meetings (Education Code 35145)

(cf. 9324 - Minutes and Recordings)
ACCESS TO DISTRICT RECORDS

6. Meeting agendas (Government Code 54957.5)
   (cf. 9322 - Agenda/Meeting Materials)

7. Official communications between the district and other government agencies

8. District and school plans, and the information and data relevant to the development and evaluation of such plans, unless otherwise prohibited by law
   (cf. 0400 - Comprehensive Plans)
   (cf. 0420 - School Plans/Site Councils)
   (cf. 0440 - District Technology Plan)
   (cf. 0450 - Comprehensive Safety Plan)
   (cf. 0460 - Local Control and Accountability Plan)
   (cf. 3516 - Emergencies and Disaster Preparedness Plan)
   (cf. 3543 - Transportation Safety and Emergencies)
   (cf. 7110 - Facilities Master Plan)

9. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)
   (cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

10. Records pertaining to claims and litigation against the district which have been adjudicated or settled (Government Code 6254, 6254.25)
    (cf. 3320 - Claims and Actions Against the District)

11. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)
    (cf. 9270 - Conflict of Interest)

12. Documents containing names, salaries, and pension benefits of district employees

13. Employment contracts and settlement agreements (Government Code 53262)
    (cf. 2121 - Superintendent's Contract)
    (cf. 4117.5/4217.5/4317.5 - Termination Agreements)
    (cf. 4141/4241 - Collective Bargaining Agreement)

14. Instructional materials including, but not limited to, textbooks (Education Code 49091.10)
ACCESS TO DISTRICT RECORDS

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Access to public records of the district shall be granted to Governing Board members on the same basis as any other member of the public. When Board members are authorized to access public records in the administration of their duties, the Superintendent or designee shall not discriminate among any of the Board members as to which record, or portion of the record, will be made available, or when it will be made available. (Government Code 6252.5, 6252.7)

When disclosing to a member of the public any record that contains personal information, including, but not limited to, an employee's home address, home telephone number, social security number, personal cell phone number, or birth date, the Superintendent or designee shall ensure that such personal information is redacted from that record. (Government Code 6254.29, 6254.3)

Confidential Public Records

Unless otherwise authorized or required by law, information regarding an individual's citizenship or immigration status or religious beliefs, practices, or affiliation shall not be disclosed to federal government authorities. (Education Code 234.7; Government Code 8310.3)

(cf. 5145.13 - Response to Immigration Enforcement)

Records to which the members of the public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, and interagency or intradistrict memoranda that are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

2. Records specifically generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (Government Code 6254, 6254.25)

3. Personnel records, medical records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

(cf. 4112.5/4212.5/4312.5) - Criminal Record Check)
ACCESS TO DISTRICT RECORDS

(4112.6/4212.6/4312.6 - Personnel Files)

The home addresses, home telephone numbers, personal cell phone numbers, or birth date of employees may only be disclosed as follows: (Government Code 6254.3)

a. To an agent or a family member of the employee

b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties

c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home address and any telephone number for an employee who performs law enforcement-related functions, or the birth date of any employee, shall not be disclosed.

Upon written request of any employee, the district shall not disclose the employee's home address, home telephone number, personal cell phone number, or birth date, and the district shall remove this information from any mailing list of the district except a list used exclusively to contact the employee.

(4140/4240/4340 - Bargaining Units)

d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents.

(4154/4254/4354 - Health and Welfare Benefits)

4. Student records, except directory information and other records to the extent permitted under the law, when disclosure is authorized by law.

(5125 - Student Records)
(5125.1 - Release of Directory Information)
(5125.3 - Challenging Student Records)

5. Test questions, scoring keys, and other examination data except as provided by law (Government Code 6254).

(6162.51 - State Academic Achievement Tests)

6. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to
ACCESS TO DISTRICT RECORDS

the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)

7. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in an unfair competitive disadvantage to the person supplying the information (Government Code 6254)

8. Library circulation and patron use records of a borrower or patron including, but not limited to, name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to persons acting within the scope of their duties in the administration of the library, to persons authorized in writing by the individual to whom the records pertain, or by court order (Government Code 6254, 6267)

(cf. 6163.1 - Library Media Centers)

9. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)

(cf. 9124 - Attorney)

10. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session (Government Code 6254)

11. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of the school district (Government Code 6253.5)

(cf. 9223 - Filling Vacancies)

12. Minutes of Board meetings held in closed session (Government Code 54957.2)

(cf. 9321 - Closed Session Purposes and Agendas)

13. Computer software developed by the district (Government Code 6254.9)

14. Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase potential for an attack on, the district's information technology system (Government Code 6254.19)
Community Relations

ACCESS TO DISTRICT RECORDS

15. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)

(cf. 5141.6 - School Health Services)

16. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

17. Any other records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code 6255)

Inspection of Records and Requests for Copies

Any person may request a copy or inspection of any district record that is open to the public and not exempt from disclosure. (Government Code 6253)

Within 10 days of receiving any request to inspect or copy a district record, the Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the district's possession. The Superintendent or designee shall promptly inform the person making the request of the determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request

2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request

3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) with substantial interest in the request
ACCESS TO DISTRICT RECORDS

4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Public records shall be open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

In addition to maintaining public records for public inspection during district office hours, the district may comply with public records requests by posting any public record on the district's web site and, in response to a public records request, directing the member of the public to the location on the web site where the record can be found. However, if the member of the public is unable to access or reproduce the record from the web site, the district shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 6253)

If any person requests that a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals
ACCESS TO DISTRICT RECORDS

2. The request would require data compilation, extraction, or programming to produce the record.

Assistance in Identifying Requested Records

If the Superintendent or designee denies a request for disclosable records, the requester shall be assisted in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

   If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist

3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed so as to delay or obstruct the inspection or copying of public records. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)

Policy  VENTURA UNIFIED SCHOOL DISTRICT
adopted: Ventura, California
Proof of age shall be required of all enrolling students. The legal evidences of age, in order of desirability, are a birth certificate, baptismal certificate, passport, immigration certificate, or Bible record.

If the above documentation is unobtainable, the district shall accept a sworn statement from the parent/guardian which provides the name, age, birthdate and birthplace of the student, the name(s) of his/her parents and the basis of such knowledge. (Health and Safety Code 10520)

Transitional Kindergarten (TK) — Age of Admission

A Transitional Kindergarten is the first year of a two-year Kindergarten program that uses a modified Kindergarten curriculum that is age and developmentally appropriate. Transitional Kindergarten is the program placement for TK age-eligible students. Pursuant to law (EC 48000 [c]), a child is eligible for Transitional Kindergarten if a child will have his or her fifth birthday between September 2 and December 2, inclusive.

Kindergarten — Age of Admission

A child who will have reached the age of five years on or before September 1 of the current school year shall be eligible for enrollment in kindergarten. (Education Code 48000)

First Grade — Age of Admission

A child who will have reached the age of six years on or before September 1 of the current school year shall be eligible for enrollment in the first grade. (Education Code 48010)

A child enrolled in kindergarten may be admitted to the first grade at the discretion of the principal and upon determination that the child is ready for first grade work. Admission shall be subject to the following minimum criteria:

1. The child is at least five years of age.

2. The child has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.

3. The child is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the child are consistent with his/her advanced mental ability.

5. The parent/guardian of the child has filed a written statement with the school district approving the placement in first grade.

(cf. 5118 – Transfers/Withdrawals)
(cf. 5123 – Promotion/Acceleration/Retention)

Regulation VENTURA UNIFIED SCHOOL DISTRICT approved: March 10, 2015 Ventura, California
Ventura USD
Administrative Regulation
Students AR 5111

ADMISSION

Age of Admittance to Kindergarten and First Grade

At the beginning of each school year, the Superintendent or designee shall enroll any eligible child who will have his/her fifth or sixth birthday on or before September 1 of that year into kindergarten or first grade, as applicable. (Education Code 48000, 48010)

Any child who will have his/her fifth birthday from September 2 through December 2 of the school year shall be offered a transitional kindergarten (TK) program in accordance with law and Board policy 6170.1. (Education Code 48000)

(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6170.1 - Transitional Kindergarten)

Documentation of Age/Grade

Prior to the admission of a child to kindergarten or first grade, the parent/guardian shall present proof of the child's age. (Education Code 48002)

Evidence of the child's age may include: (Education Code 48002)

1. A certified copy of a birth certificate or a statement by the local registrar or county recorder certifying the date of birth

2. A duly attested baptism certificate

3. A passport

4. When none of the above documents is obtainable, an affidavit of the parent/guardian

(cf.5145.13 – Response to Immigration Enforcement)
Ventura USD
Board Policy
Students

ADMISSION

The Governing Board encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of children seeking admission to a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

(cf. 1112 - Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)
(cf. 5118 - Open Enrollment Act Transfers)

All appropriate staff shall receive training on district admission policies and procedures, including information regarding the types of documentation that can and cannot be requested.

The district's enrollment application shall include information about the health care options and enrollment assistance available to families within the district. The district shall not discriminate against any child for not having health care coverage and shall not use any information relating to a child's health care coverage or his/her interest in learning about health care coverage in any manner that would harm the child or his/her family. (Education Code 49452.9)

Verification of Admission Eligibility

Before enrolling any child in a district school, the Superintendent or designee shall verify the child's age, residency, immunization, and other applicable eligibility criteria specified in law, the accompanying administrative regulation, or other applicable Board policy or administrative regulation.

(cf. 5111.1 - District Residency)
(cf. 5125 - Student Records)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)

The district shall not inquire into or request documentation of a student's social security number or the last four digits of the social security number or the citizenship or immigration status of the student or his/her family members. (Education Code 234.7, 49076.7)
However, such information may be collected when required by state or federal law or to comply with requirements for special state or federal programs. In any such situation, the information shall be collected separately from the school enrollment process and the Superintendent or designee shall explain the limited purpose for which the information is collected. Enrollment in a district school shall not be denied on the basis of any such information of the student or his/her parents/guardians obtained by the district, or the student's or parent/guardian's refusal to provide such information to the district.

School registration information shall list all possible means of documenting a child’s age for grades K-1 as authorized by Education Code 48002 or otherwise prescribed by the Board. Any alternative document allowed by the district shall be one that all persons can obtain regardless of immigration status, citizenship status, or national origin and shall not reveal information related to citizenship or immigrant status.

The Superintendent or designee shall immediately enroll a homeless student, foster youth, student who has had contact with the juvenile justice system, or a child of a military family regardless of outstanding fees or fines owed to the student's last school, lack of clothing normally required by the school, such as school uniforms, or his/her inability to produce previous academic, medical, or other records normally required for enrollment. (Education Code 48645.5, 48850, 48852.7, 48853.5, 49701; 42 USC 11432)

Legal Reference:
EDUCATION CODE
234.7 Student protections relating to immigration and citizenship status
46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten
46600 Agreements for admission of students 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
48645.5 Enrollment of former juvenile court school students
48850-48859 Educational placement of homeless and foster youth
49076 Access to records by persons without written consent or under judicial order
49076.7 Student records; data privacy; social security numbers
49408 Information of use in emergencies
ADMISSION (continued) BP 5111(c)

49452.9 Health care coverage options and enrollment assistance
49700-49703 Education of children of military families

HEALTH AND SAFETY CODE
120325-120380 Education and child care facility immunization requirements
121475-121520 Tuberculosis tests for students

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 5
552a Note Refusal to disclose social security number

UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Management Resources:

CSBA PUBLICATIONS
Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

Dear Colleague Letter: School Enrollment Procedures, May 8, 2014
Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Health Care Coverage and Enrollment Assistance: http://www.cde.ca.gov/ls/he/hc
U.S. Department of Education, Office for Civil Rights: http://www2.ed.gov/about/offices/list/ocr
U.S. Department of Justice: https://www.justice.gov

Policy adopted: VENTURA UNIFIED SCHOOL DISTRICT Ventura, California
The Governing Board believes that all children should have the opportunity to receive educational services. All children residing within the district shall have access to district schools. Staff shall encourage parents/guardians to enroll all school-aged children in school.

The Superintendent or designee shall maintain procedures which provide for the verification of all admission requirements specified in law and Board policy.

(cf. 5111.1—District Residency)
(cf. 5141.22—Infectious Diseases)
(cf. 5141.3—Health Examinations)
(cf. 5141.31—Immunizations)
(cf. 5119—Students Expelled from Other Districts)

Legal Reference:
EDUCATION CODE
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
48200—Children between ages of 6 and 18 years (compulsory full-time education)
49076—Access to records by persons without written consent or under judicial order
49408—Information of use in emergencies

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

CODE OF REGULATIONS, TITLE 17
6000-6075—School attendance immunization requirements

UNITED STATES CODE, TITLE 42
11431-11435—McKinney Homeless Assistance Act
Ventura USD
Administrative Regulation
Bullying
AR 5131.2
Students

School behavior standards shall be coordinated district wide, with particular attention to applying the standards for bullying behavior fairly and consistently among schools at the same grade levels. Schools will follow district guidelines, policies and procedures according to the Education Code as well as school rules pertaining to related matters such as bullying suspension and expulsion, student expression, and the rights and responsibilities of students. (Education Code 35291.5)

Indicators of Bullying Behavior

Bullying generally includes a combination of several of the following characteristics:

1. A desire to hurt; a hurtful action; a power imbalance; repetition (typically); an unjust use of power; evident enjoyment by the aggressor; a sense of being oppressed on the part of the target

2. Bullying behaviors may also include, but are not necessarily limited to, the following:

a. Verbal: Hurtful name-calling, teasing, gossiping, making threats, making slurs or epithets, making rude noises, or spreading hurtful rumors.

b. Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, insulting or threatening notes, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.

c. Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, pinching, slapping, "pantsing", biting, spitting, or destroying property.

d. Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, shunning, ostracizing, using peer pressure, or rating or ranking personal characteristics.

e. Cyberbullying: Sending insulting or threatening messages by phone, e-mail, Web sites, or any other electronic or written communication. This policy pertains to cyberbullying that is related to school activity or attendance that occurs at any time, including, but not limited to, while on school grounds, while going to or coming from school, during the lunch period whether on or off campus, during, or while going to or coming from, a school sponsored activity, that is directed specifically toward a pupil or school personnel.
Administrative Responsibilities

1. Communicate and ensure staff, students, and parents/guardians are informed annually of the district policy and school procedures regarding bullying, and all other related policies.

2. Adhere to anti-bullying procedures in behavior or discipline codes. Review and revise these annually, as appropriate.

3. Create and maintain positive school culture and climate in which the school community understands that bullying is inappropriate and will not be tolerated.

4. Develop interventions to address bullying at all levels: schoolwide, classroom, and individual.

5. Provide training to all school personnel and volunteers to ensure that staff is able to identify the indicators of bullying and understand their individual responsibilities to appropriately respond to and report bullying behavior. The training will also include the use of district adopted materials.

6. Provide training for new staff, as needed, on identification of and response to bullying as well as on the use of district adopted materials related to bullying and violence prevention.

7. Maintain documentation of complaints and their resolution for a minimum of one review cycle.

8. Post the district policy in all schools and offices, including staff lounges and pupil government meeting rooms.

9. Designate a site coordinator for oversight of the anti-bullying program including student instruction, implementation of prevention and intervention strategies, and dissemination of bullying and harassment information to students, staff, and parents. The site coordinator shall act as a contact for reporting incidents of bullying and serve as a liaison for district wide efforts to promote respect and a positive school climate in our schools.

10. Enforce bullying/harassment procedures for disciplinary action fairly and consistently per the district/school behavior expectations/guidelines.

11. Assess or collect information from students and staff regarding the extent of bullying they witness or experience at school (e.g., anonymous survey, focus group input, or incident report analysis).

Staff Responsibilities

1. Create an environment where students understand that bullying is unacceptable and will not be tolerated.
2. Discuss with student body all aspects of the bullying/harassment policy and teach strategies to prevent bullying.

3. Encourage students to report bullying incidents.

4. Learn to recognize the indicators of actual or perceived bullying behavior.

5. Report immediately, when bullying is witnessed. Oral reports made by or to a staff member shall be recorded on the designated form by the staff member receiving or making the oral report.

6. Intervene immediately and take corrective action when bullying is observed.

7. Understand individual responsibility not only to intervene when bullying is observed, but also, to report incidents and actions to appropriate administrators, district offices, or outside agencies, as required.

Student Responsibilities

1. Take responsibility for helping create a safe school environment.

2. Do not engage in or contribute to bullying behaviors, actions, or words.

3. Treat everyone with respect. Be sensitive to how others might perceive your actions or words.

4. Students are expected to report all incidents, actual or perceived, of teasing, bullying, harassment, intimidation, or other verbal or physical abuse to a trusted adult.

5. Understand the bullying policy and guidelines about bullying and model it for others.

6. Never engage in retaliatory behavior or ask of, encourage, or consent to anyone's taking retaliatory actions on your behalf.

7. Learn strategies to protect oneself from bullying and how to help others who have been bullied.

Parent/Guardian Responsibilities

1. Understand and discuss this policy and school rules with your child.

2. Report incidents of bullying or harassment to your student's teacher, counselor, principal, or principal's designee.

3. Be aware of the warning signs that your child might be a victim of teasing, bullying,
Responding to Bullying Complaints

1. The district's response to bullying shall be comprehensive and involve staff, students, parents/guardians, and the community, as appropriate, in order to address bullying at all school levels. Such a program shall:

   a. Take reports of bullying seriously.

   b. Provide all parties involved with assurances regarding district policies on confidentiality and non-retaliation in the complaint investigation.

   c. Encourage individuals who witness bullying to report such incidents per the district reporting procedures.

2. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in Administrative Regulation 5145.7 Sexual Harassment.

Other Considerations

1. If the student who was bullied (or parent/guardian on behalf of the student) believes the situation has not been remedied, she/he may file a complaint in accordance with district Uniform Complaint policy and procedures. Students and parents/guardians are to be informed annually of the process by which they may make a report of bullying or harassment or file a subsequent complaint.

2. It is important to note that bullying may, at times, be part of a continuum of violence and that some bullying actions can and do constitute other categories of misconduct such as sexual harassment, hate-motivated behavior, assault, or child abuse, and as such, they would violate other district policies. When bullying behavior does escalate to the level of violating other district policies, district personnel are obligated to adhere to appropriate district reporting guidelines and protocols and may be required to report to one or more offices or outside agencies, as appropriate.
Ventura USD
Board Policy
Conduct

BP 5131
Students

The Governing Board believes that all students have the right to be educated in a positive-learning environment free from disruptions. On school grounds and at school activities, students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program.

Behavior is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful towards their teachers, other staff, students and volunteers.

(cf. 5131.1—Bus Conduct)
(cf. 5137—Positive School Climate)

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations.

Students and parents/guardians shall be notified of district and school rules related to conduct and shall receive regular instruction regarding these rules. In addition, parents/guardians and students may be provided information about early warning signs of harassing/intimidating behaviors, such as bullying, as well as prevention and intervention strategies.

Prohibited student conduct includes but is not limited to:

1. Conduct that endangers students, staff or others.

(cf. 0450—Comprehensive Safety Plan)
(cf. 5131.7—Weapons and Dangerous Instruments)
(cf. 5136—Gangs)
(cf. 5142—Safety)

2. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4—Campus Disturbances)

3. Harassment or bullying of students or staff, including, but not limited to cyberbullying, intimidation, hazing, or initiation activity, ridicule, extortion, or any other verbal, written or physical conduct that causes or threatens to cause violence, bodily harm or substantial disruption, in accordance with the section entitled "Bullying/Cyberbullying."
Cyberbullying includes the transmission of communications, posting of harassing messages, direct threats, social cruelty, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

4. Damage to or theft of property belonging to the district, staff or students

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5131.5 - Vandalism, Theft and Graffiti)

5. Possession or use of laser pointers, unless used for a valid instructional or other school-related purpose, including employment. (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

6. Use of profane, vulgar or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Plagiarism or dishonesty in school work or on tests

(cf. 5131.9 - Academic Honesty)
(cf. 6162.54 - Test Integrity/Test Preparation)
(cf. 6162.6 - Use of Copyrighted Materials)
(cf. 6163.4 - Student Use of Technology)

8. Inappropriate attire

(cf. 5132 - Dress and Grooming)

9. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Truancy)

10. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)
11. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs in violation of school rules

(cf. 5136.6 - Alcohol and Other Drugs)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)

Students also may be subject to discipline for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts the educational program of the district or any other district in accordance with law, Board Policy, or Administrative Regulation.

Possession of Cellular Phones and Other Personal Electronic Signaling Devices

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)

Students may possess or use personal electronic signaling devices, provided that such devices do not disrupt the educational program or school activity and are not used for illegal or unethical activities such as cheating on assignments or tests.

Permitted devices shall:

1. Be turned off during class time and at any other time directed by a district employee
2. Not disrupt the educational program or school activity

If a disruption occurs, the employee shall direct the student to turn off the device and/or confiscate it. If a school employee finds it necessary to confiscate a device, he/she may either return it at the end of the class period or school day or keep it until the principal or designee has consulted with the student's parent/guardian.

In accordance with BP/AR 5145.12 - Search and Seizure, a school official may search a student's mobile communication device, including, but not limited to, reviewing messages or viewing pictures.

Students shall not use mobile communications devices, even hands-free mode, while driving on school grounds or to and from a school-related activity.

A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with Board policy and administration regulation.

Enforcement of Standards
Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe, receive a report of a violation or become aware of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Students who violate district or school rules and regulations may be subject to discipline, including but not limited to suspension, expulsion or transfer to alternative programs, or denial of the privilege of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulation. In addition, when the conduct involves intimidation, harassment, or other endangerment of a student or employee, the Superintendent or designee shall provide appropriate assistance as necessary for the victim and the offender or make appropriate referrals for such assistance.

(cf. 1020 – Youth Services)
(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)
(cf. 5020 – Parent Rights and Responsibilities)
(cf. 5138 – Conflict Resolution/Peer Mediation)
(cf. 5144 – Discipline)
(cf. 5144.1 – Suspension and Expulsion/Due Process)
(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6020 – Parent Involvement)
(cf. 6164.2 – Guidance/Counseling Services)
(cf. 6182 – Opportunity School/Class/Program)
(cf. 6184 – Continuation Education)
(cf. 6185 – Community Day School)

Bullying/Cyberbullying

The Board desires to prevent bullying/cyberbullying by establishing a positive, collaborative school climate and clear rules for student conduct. When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance. Students shall be encouraged to save and print any messages sent to them that they feel constitutes cyberbullying and to notify a teacher, principal, or other employee so that the matter may be investigated.

Any student who engages in cyberbullying using district-owned equipment, on school premises, or off-campus in a manner that impacts school activity or school attendance, shall be subject to discipline in accordance with district policies and regulations. If the student is using a social-networking site or service that has terms of use that prohibit posting harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Students may submit a verbal or written complaint of conduct they consider to be bullying to a
teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes for students to submit anonymous reports of bullying. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures specified in Administrative Regulation 5145.7—Sexual Harassment.

(cf. 5145.12—Search and Seizure)
(cf. 6163.4—Student Use of Technology)

Legal Reference:
EDUCATION CODE
200-262.4—Prohibition of discrimination
32261—Bullying
35181—Governing board policy on responsibilities of students
35291-35291.5—Rules
44807—Duty concerning conduct of students
48900-48925—Suspension or expulsion, especially:
48908—Duties of students
51512—Prohibition against electronic listening or recording device in classroom without permission
CIVIL CODE
1714.1—Liability of parents and guardians for willful misconduct of minor
PENAL CODE
288.2—Harmful matter with intent to seduce
313—Harmful matter
417.25-417.27—Laser scope
647—Use of camera or other instrument to invade person's privacy; misdemeanor
647.7—Use of camera or other instrument to invade person's privacy; punishment
653.2—Electronic communication devices, threats to safety
VEHICLE CODE
23124—Use of cellular phones provisional license holders
CODE OF REGULATIONS, TITLE 5
300-307—Duties of pupils
UNITED STATES CODE, TITLE 42
2000h-2000h6 Title IX, 1972 Education Act Amendments
UNITED STATES CODE, TITLE 47
254—Universal service discounts (e-rate)
COURT DECISIONS
LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981
Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675
Management Resources:
CSBA PUBLICATIONS
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Bullying at School, 2003
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001
NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS
Bullying in School: Fighting the Bullying Battle, 2006
WEB SITES
CSBA: http://www.csba.org
California Cybersafety for Children: http://www.cybersafety.ca.gov
National School Boards Association: http://www.nsba.org
National School Safety Center: http://www.schooldafety.us

Policy—VENTURA UNIFIED SCHOOL DISTRICT
adopted: August 10, 2004 Ventura, California
revised: February 10, 2009
revised: January 11, 2011
Conduct

The Governing Board believes that all students have the right to be educated in a safe and positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131.1 - Bus Conduct)
(cf. 5137 - Positive School Climate)
(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats
   (cf. 5131.7 - Weapons and Dangerous Instruments)
   (cf. 5142 - Safety)

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption to the school program
   (cf. 5131.2 - Bullying)
   (cf. 5145.3 - Nondiscrimination/Harassment)
   (cf. 5145.7 - Sexual Harassment)
   (cf. 5145.9 - Hate-Motivated Behavior)
   (cf. 5145.13 – Response to Immigration Enforcement)

3. Conduct that disrupts the orderly classroom or school environment
   (cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority
CONDUCT (continued)

5. Damage to or theft of property belonging to students, staff, or the district
   (cf. 3515.4 - Recovery for Property Loss or Damage)
   (cf. 5131.5 - Vandalism and Graffiti)

6. Obscene acts or use of profane, vulgar, or abusive language
   (cf. 5145.2 - Freedom of Speech/Expression)

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited substances
   (cf. 5131.6 - Alcohol and Other Drugs)
   (cf. 5131.62 - Tobacco)
   (cf. 5131.63 - Steroids)

8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose with prior permission of the principal or designee (Penal Code 417.27)

9. Use of a cell phone, smart watch, pager, or other mobile communication device during instructional time or in an unauthorized manner in violation of district policy
   (cf. 5131.8 - Mobile Communication Devices)
   (cf. 6163.4 - Student Use of Technology)

10. Plagiarism or dishonesty on school work or tests
    (cf. 5131.9 - Academic Honesty)
    (cf. 6162.54 - Test Integrity/Test Preparation)
    (cf. 6162.6 - Use of Copyrighted Materials)

11. Wearing of any attire that violates district or school dress codes, including gang-related apparel
    (cf. 5132 - Dress and Grooming)
    (cf. 5136 - Gangs)

12. Tardiness or unexcused absence from school
CONDUCT (continued)

13. Failure to remain on school premises in accordance with school rules

Employees are expected to enforce standards of conduct and, when they observe or receive a report of a violation of these standards, to appropriately intervene or seek assistance. As necessary, the employee shall refer the matter to a supervisor or the principal or designee.

When a school employee suspects that a search of a student or a student's belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

When a student uses any prohibited device, or uses a permitted device in an unauthorized manner, a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5127 - Graduation Ceremonies and Activities)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6020 - Parent Involvement)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Legal Reference:

EDUCATION CODE
234.7 Student protections relating to immigration and citizenship status
200-262.4 Prohibition of discrimination
32280-32289 Comprehensive safety plan
35181 Governing board authority to set policy on responsibilities of students
35291-35291.5 Rules
44807 Duty concerning conduct of students
48900-48925 Suspension and expulsion
51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE
1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE
288.2 Harmful matter with intent to seduce
313 Harmful matter
417.25-417.27 Laser scope or laser pointer
647 Use of camera or other instrument to invade person's privacy; misdemeanor
653.2 Electronic communication devices, threats to safety

VEHICLE CODE
23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5
300-307 Duties of students

UNITED STATES CODE, TITLE 42
20 USC 1681-1688 Title IX, 1972 Education Act Amendments

COURT DECISIONS
LaVine v. Blaine School District (2001, 9th Cir.) 257 F.3d 981
Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675

Management Resources:

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Bullying at School, 2003

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss

CONDUCT (continued)

Center for Safe and Responsible Internet Use: https://www.ewa.org/organization(center-safe-and
responsible-internet-use
National School Safety Center: http://www.schoolsafety.us

Policy adopted: CSBA MANUAL MAINTENANCE SERVICE
October 2019
Ventura USD
Administrative Regulation
District Residency

AR 5111.1
Students

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parents/guardians reside within district boundaries. (Education Code 48200)

2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)

3. The student has been admitted through an interdistrict attendance option, such as an interdistrict attendance agreement, "school district of choice" transfer, or Open Enrollment Act transfer. (Education Code 46600, 48204, 48301, 48356)

(cf. 5117 - Interdistrict Attendance)
(cf. 5118 - Open Enrollment Act Transfers)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)

5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. (Education Code 48204)

6. The student resides in a state hospital located within district boundaries. (Education Code 48204)

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)

(cf. 6183 - Home and Hospital Instruction)

8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)
Proof of Residency

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following:— (Education Code 48204.1)

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt
3. Utility service payment receipts, statement, or payment receipt
4. Pay stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the parent or legal guardian of the pupil
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student
9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552 (cf. 5141 - Health Care and Emergencies)

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

However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools.— (Education Code 48852.7, 48853.5; 42 USC 11432) (cf. 6173—Education for Homeless Children) (cf. 6173.1—Education for Foster Youth)

Safe at Home/Confidential Address Program

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

cf. 3580 – District Records

Regulation VENTURA UNIFIED SCHOOL DISTRICT
approved: June 28, 2016 Ventura, California
Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)

2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)

3. The student is admitted through an interdistrict attendance option. (Education Code 46600, 48204, 48301, 48356)

(cf. 5117 - Interdistrict Attendance)
(cf. 5118 - Open Enrollment Act Transfers)

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)

5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. (Education Code 48204)

6. The student resides in a state hospital located within district boundaries. (Education Code 48204)

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)

(cf. 6183 - Home and Hospital Instruction)

8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)
DISTRICT RESIDENCY (continued)

9. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within the state. (Education Code 48204.3)

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

10. The student's parent/guardian was a resident of California who departed the state against his/her will due to a transfer by a government agency that had custody of the parent/guardian, a lawful order from a court or government agency authorizing his/her removal, or removal or departure pursuant to the federal Immigration and Nationality Act, and the student lived in California immediately before moving out of state as a result of his/her parent/guardian's departure. (Education Code 48204.4)

(cf. 5145.13 - Response to Immigration Enforcement)

Proof of Residency

The district shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining residency within the district. (Education Code 234.7)

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipt
4. Pay stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student
9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552
DISTRIBUTION RESIDENCY (continued)

(cf. 5141 - Health Care and Emergencies)

A parent/guardian who is transferred or pending transfer into a military installation within
the state shall provide proof of residence in the district within 10 days after the published
arrival date provided on official documentation. For this purpose, he/she may use as his/her
address a temporary on-base billeting facility, a purchased or leased home or apartment, or
federal government or public-private venture off-base military housing. (Education Code
48204.3)

A student whose parent/guardian's departure from the state occurred against his/her will
pursuant to item #10 in the section "Criteria for Residency" above shall be in compliance
with district residency requirements if he/she provides official documentation of the
parent/guardian's departure and evidence demonstrating that the student was enrolled in a
public school in California immediately before moving outside the state. (Education Code
48204.4)

Any homeless or foster youth or student who has had contact with the juvenile justice system
shall be immediately enrolled in school even if he/she is unable to provide proof of residency.
(Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.3 - Education for Juvenile Court School Students)

Safe at Home/Confidential Address Program

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

(cf. 3580 - District Records)
The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

(cf. 5116 – School Attendance Boundaries)

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

(cf. 5116.1 – Intradistrict Open Enrollment)  
(cf. 5117 – Interdistrict Attendance)  
(cf. 5145.6 – Parental Notifications)

The Superintendent or designee shall require parents/guardians to provide documentation of the student’s residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

(cf. 5111 – Admission)  
(cf. 5125 – Student Records)

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into a student's citizenship or immigration status.

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of
residency.—(Education Code 48204.1, 48204.2)

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district.—(Education Code 48204.2)

The investigation shall not include the surreptitious collection of photographic or video graphic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view.—(Education Code 48204.2)

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation.—(Education Code 48204.2)

Appeal of Enrollment Denial

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination.—(Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled.—(Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

Enrollment Not Requiring District Residency

District residency is not required for enrollment in a regional occupational center or program if
there are openings in the program or class.—(Education Code 52317)

(cf. 6178.2 – Regional Occupational Center/Program)

Legal Reference:
EDUCATION CODE
220 Prohibition of discrimination
35160.5 Intradistrict open enrollment
35351 Assignment of students to particular schools
46600-46611 Interdistrict attendance permits
48050-48054 Nonresidents
48200-48208 Compulsory education law, especially:
48204 Residency requirements
48204.1-48204.2 Evidence of residency
48300-48316 Student attendance alternatives, school district of choice program
48350-48361 Open Enrollment Act transfers
48852.7 Education of homeless students; immediate enrollment
48853.5 Education of foster youth; immediate enrollment
48980 Notifications at beginning of term
52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE
6550-6552 Caregivers

GOVERNMENT CODE
6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5
432 Retention of student records

UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014

OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, 2012

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Secretary of State, Safe at Home Program: http://www.sos.ca.gov/safeathome
U.S. Department of Education, Office for Civil Rights: http://www2.ed.gov/ocr
DISTRICT RESIDENCY

The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)
(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

(cf. 5111 - Admission)
(cf. 5125 - Student Records)

When establishing students' residency for enrollment purposes, the Superintendent or designee shall not inquire into the citizenship or immigration status of students or their family members.

(cf. 5145.13 - Response to Immigration Enforcement)

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts
supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. (Education Code 48204.1, 48204.2)

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. (Education Code 48204.2)

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

Appeal of Enrollment Denial

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian
or obtained during the district's investigation and shall make a decision within 10 school
days of receipt of the parent/guardian's request for the appeal. The Superintendent's
decision shall be final.

Enrollment Not Requiring District Residency

When approved by the Board and the appropriate agency, the district may enroll students
from other countries who are in the United States on an F-1 visa or are participating in an
international exchange program under the sponsorship of a government-approved agency.

(cf. 5111.2 - Nonresident Foreign Students)
(cf. 6145.6 - International Exchange)

District residency is not required for enrollment in a regional occupational center or
program if there are openings in the program or class. (Education Code 52317)

(cf. 6178.2 - Regional Occupational Center/Program)

Legal Reference:

EDUCATION CODE
220 Prohibition of discrimination
234.7 Student protections relating to immigration and citizenship status
35160.5 Intradistrict open enrollment
35331 Assignment of students to particular schools
46600-46611 Interdistrict attendance permits
48050-48054 Nonresidents
48200-48208 Compulsory education law, especially:
48204 Residency requirements
48204.1-48204.4 Evidence of residency
48300-48317 Student attendance alternatives, school district of choice program
48350-48361 Open Enrollment Act transfers
48645.5 Former juvenile court school students, enrollment
48852.7 Education of homeless students; immediate enrollment
48853.5 Education of foster youth; immediate enrollment
48980 Notifications at beginning of term
52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE
6550-6552 Caregivers

GOVERNMENT CODE
6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5
432 Retention of student records

UNITED STATES CODE, TITLE 8
1229c Immigration and Nationality Act
UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act
DISTRICT RESIDENCY (continued)

COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014
CALIFORNIA ATTORNEY GENERAL’S OFFICE PUBLICATIONS
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues, April 2018
Dear Colleague Letter: School Enrollment Procedures, May 8, 2014
Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Secretary of State, Safe at Home Program: http://www.sos.ca.gov/safeathome
U.S. Department of Education, Office for Civil Rights: http://www2.ed.gov/ocr
U.S. Department of Justice: https://www.justice.gov

Policy adopted: VENTURA UNIFIED SCHOOL DISTRICT Ventura, California
Ventura USD
Board Policy
Hate-Motivated Behavior

BP 5145.9
Students

The Governing Board affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the Board to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. Behavior or statements that degrade an individual on the basis of his/her race, ethnicity, culture, heritage, gender, sexual orientation, physical/mental attributes, religious beliefs or practices shall not be tolerated.

(cf. 0410 — Nondiscrimination in District Programs and Activities)
(cf. 0450 — Comprehensive Safety Plan)
(cf. 3515.1 — Crime Data Reporting)
(cf. 3515.4 — Recovery for Property Loss or Damage)
(cf. 5131.5 — Vandalism, Theft and Graffiti)
(cf. 5136 — Gangs)
(cf. 5137 — Positive School Climate)
(cf. 5145.3 — Nondiscrimination/Harassment)
(cf. 5145.7 — Sexual Harassment)
(cf. 6141.6 — Multicultural Education)

Any student who feels that he/she is a victim of hate-motivated behavior shall immediately contact the principal or designee. If the student believes that the situation has not been remedied by the principal or designee, he/she may file a complaint in accordance with district complaint procedures.

(cf. 1312.1 — Complaints Concerning District Employees)
(cf. 1312.3 — Uniform Complaint Procedures)

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the principal, Superintendent or designee, and law enforcement, as appropriate. Students demonstrating hate-motivated behavior shall be subject to discipline in accordance with Board policy and administrative regulation.

(cf. 3515.3 — District Police Department)
(cf. 4158/4258/4358 — Employee Security)
(cf. 5144 — Discipline)
(cf. 5144.1 — Suspension and Expulsion/Due Process)
(cf. 5144.2 — Suspension and Expulsion/Due Process (Students with Disabilities))
In addition, the district shall provide counseling and appropriate sensitivity training and diversity-education for students exhibiting hate-motivated behavior. The district shall also provide counseling, guidance and support, as necessary, to those students who are the victims of hate-motivated behavior.

(cf. 6164.2—Guidance/Counseling Services)

The Superintendent or designee shall ensure that staff receive appropriate training to recognize hate-motivated behavior and methods for handling such behavior in appropriate ways.

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

The district shall provide age-appropriate instruction to help promote understanding of and respect for human rights.

At the beginning of each school year, students and staff shall receive a copy of the district’s policy on hate-motivated behavior.

Legal Reference:
EDUCATION CODE
200-262.4—Prohibition of discrimination on the basis of sex
33025—Hate violence defined
48900.3—Suspension for hate violence

PENAL CODE
186.21—Street terrorism; legislative findings and declarations
422.55-422.86—Hate Crimes
11410-11414—Terrorism
13023—Reports by law enforcement of crimes motivated by race, ethnicity, religion, sexual orientation or physical or mental disability
13519.6—Hate crimes, training courses and guidelines
UNITED STATES CODE, TITLE 18
245 Federally protected activities

Management Resources:
CSBA PUBLICATIONS
Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995
ALAMEDA OFFICE OF EDUCATION & CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Hate-Motivated Behavior in Schools: Response Strategies for School Boards, Administrators, Law Enforcement and Communities, 1997
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS
Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999
WEB SITES
CDE:  http://www.cde.ca.gov
California Association of Human Relations Organizations:  http://www.cahro.org
United States Department of Education, Office of Civil Rights:
http://www.ed.gov/offices/OCR/index.html

VENTURA UNIFIED SCHOOL DISTRICT
adopted:  August 24, 1999  Ventura, California
HATE-MOTIVATED BEHAVIOR

The Governing Board is committed to providing a safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5131.5 - Vandalism and Graffiti)
(cf. 5136 - Gangs)
(cf. 5137 - Positive School Climate)
(cf. 5141.52 - Suicide Prevention)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf.5145.13 – Response to Immigration Enforcement)

The district shall provide students with age-appropriate instruction that includes the development of social-emotional learning, promotes their understanding of and respect for human rights, diversity, and acceptance in a multicultural society, and provides strategies to manage conflicts constructively.

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 6142.3 - Civic Education)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6142.94 - History-Social Science Instruction)

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students and parents/guardians.

The Superintendent or designee shall provide staff with training on recognizing and preventing hate-motivated behavior and on effectively enforcing rules for appropriate student conduct.
HATE-MOTIVATED BEHAVIOR (continued)

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

Complaint Process

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is strongly encouraged to report the incident to a teacher, the principal, or other staff member.

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the principal or the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, he/she shall also contact law enforcement.

(cf. 3515.3 - District Police/Security Department)
(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Legal Reference: (see next page)
HATE-MOTIVATED BEHAVIOR (continued)

Legal Reference:

**EDUCATION CODE**
- 234.7 Student protections relating to immigration and citizenship status
- 200-262.4 Prohibition of discrimination
- 32282 School safety plans
- 48900.3 Suspension for hate violence
- 48900.4 Suspension or expulsion for threats or harassment

**PENAL CODE**
- 422.55 Definition of hate crime
- 422.6 Crimes, harassment

**CODE OF REGULATIONS, TITLE 5**
- 4600-4670 Uniform complaint procedures
- 4900-4965 Nondiscrimination in elementary and secondary education programs

**CODE OF FEDERAL REGULATIONS, TITLE 28**
- 35.107 Nondiscrimination on basis of disability; complaints

**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
- 110.25 Prohibition of discrimination based on age

Management Resources:

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**
- Bullying at School, 2003

**CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS**
- Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

**U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS**
- Dear Colleague Letter: Harassment and Bullying, October 2010
- Dear Colleague Letter: Prohibited Disability Harassment, July 2000

**WEB SITES**
- CSBA: http://www.csba.org
- California Association of Human Relations Organizations: http://www.cahro.org
- 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
- U.S. Department of Justice: https://www.justice.gov

Policy adopted: VENTURA UNIFIED SCHOOL DISTRICT Ventura, California
Students eligible for the district's migrant education program shall be those migrant students who have moved within the past three years. In providing these services, the district shall give first priority to migrant students aged 3 through 21 who are failing, or most at risk of failing, to meet state content and student performance standards, and whose education has been interrupted during the regular school year. (20 USC 6394) (34 CFR 200.40)

A student who ceases to be a migrant student during a school semester shall be eligible for services until the end of the semester. If comparable services are not available through other programs, a student who is no longer migratory may continue to receive services for one additional school year. Students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation. (20 USC 6394)

The migrant education program shall provide: (Education Code 54443.1)

1. Individual assessment of the educational and relevant health needs of each participating student, within 30 days of enrollment.

2. A general needs assessment summarizing the needs of the population to be served.

3. A comprehensive program which meets student needs and supplements the district provided core curriculum. This program shall provide:

a. Academic instruction

b. Remedial and compensatory instruction

(cf. 6171 - Title I Programs)

c. Bilingual and multicultural instruction

(cf. 6141.6 - Multicultural Education)
(cf. 6174 - Education for English Language Learners)

d. Vocational instruction

(cf. 6178 - Vocational Education)
e. Counseling and career education services

(cf. 6164.2 - Guidance Services)

f. Preschool services (after-school aged services have been provided)

(cf. 6179 - Child Care and Development Programs)

g. Other educational services that are not otherwise available in sufficient quantity or quality to eligible migrant students

h. Instructional materials and equipment necessary for appropriate services

i. Other related services needed to enable migrant students to participate effectively in instructional services

4. A brief individual learning plan listing the services to be provided to each student. This plan shall be given to the parent/guardian in writing or at a parent/guardian conference, annually and each time the student moves to a new district.

All parents/guardians of students enrolled in the migrant education program shall be invited to a general meeting and informed, in a language they understand, that they have the sole authority to decide the advisory council's composition. At least two-thirds of the advisory council shall consist of migrant parents/guardians elected by their peers. (Education Code 54444.2)

The parent/guardian advisory council shall meet at least six times during the year and shall:

1. Establish program goals, objectives and priorities

2. Review annual needs and year-end assessment, program activities for each school, and individual learning plans

3. Advise on the selection, development and reassignment of program staff

4. Participate actively in planning and negotiating program applications and service agreements.

Regulation VENTURA UNIFIED SCHOOL DISTRICT
approved: January 28, 1997 Ventura, California
Eligibility

Students age 3 to 21 years shall be eligible for the district's migrant education program if they, their parents/guardians, or their spouses are migratory agricultural workers or fishers who, in the preceding 36 months, moved into the district due to economic necessity and engaged in new temporary or seasonal employment or personal subsistence in agriculture or fishing. If such employment was not secured soon after the move, students may be considered migrant students if they, their parents/guardians, or their spouses actively sought such new employment and have a recent history of moves for temporary or seasonal agricultural or fishing employment. (20 USC 6399; 34 CFR 200.81)

A student who ceases to be a migrant student during a school term shall be eligible for services until the end of the term. If comparable services are not available through other programs, a student who is no longer migratory may continue to receive services for one additional school year. Students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation. (20 USC 6394)

Enrollment

A migrant student shall be immediately enrolled in the district even if the student:

(Education Code 48204.7)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended
   
   *(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

2. Does not have clothing normally required by the school, such as school uniforms
   
   *(cf. 5132 - Dress and Grooming)*

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, medical records, including, but not limited to, records or other proof of immunization history, or other documentation

   *(cf. 5111.1 - District Residency)*
   *(cf. 5141.26 - Tuberculosis Testing)*
   *(cf. 5141.31 - Immunizations)*
MIGRANT EDUCATION PROGRAM (continued)

(cf. 5141.32 - Health Screening for School Entry)

If a migrant student experiences a change in residence, the student may remain enrolled in the school of origin for the duration of the student's status as a migrant student. (Education Code 48204.7)

If a student's status as a migrant student changes during a school year, the Superintendent or designee shall allow the student to continue at the school of origin through the duration of that school year or, if the student is enrolled in a high school, through graduation. (Education Code 48204.7)

A migrant student who is transitioning between school grade levels shall be allowed to continue in the district of origin in the same attendance area to provide the student the benefit of matriculating with peers in accordance with the established feeder patterns of school districts. A migrant student who is transitioning to a middle school or high school designated for matriculation in another school district shall be allowed to enroll in that school. (Education Code 48204.7)

The Superintendent or designee shall inform a migrant student and the student's parent/guardian of the impact of remaining in the school of origin on the student's eligibility to receive migrant education services pursuant to Education Code 54440-54445. (Education Code 48204.7)

The Superintendent or designee may, but is not required to, provide transportation to enable a migrant student to attend the school of origin, unless otherwise required by federal law. (Education Code 48204.7)

Student Records

The Superintendent or designee shall maintain records documenting the eligibility of students enrolled in the district's migrant education program. However, the district shall not collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining eligibility for migrant education services.

(cf. 5125 - Student Records)
(cf. 5145.13 - Response to Immigration Enforcement)

The Superintendent or designee shall acquire education and health records from migrant students' previous school districts, as appropriate.
MIGRANT EDUCATION PROGRAM  (continued)

When a migrant student transfers to another district, the student's records shall be provided to the receiving district upon request at no cost in order to assist that district in meeting the needs of the student.  (20 USC 6398)

Program Components

The migrant education program shall include all of the following components:  (Education Code 54443.1)

1. A general needs assessment summarizing the needs of the population to be served

2. A comprehensive program to meet the educational, health, and related needs of participating students which supplements the district program and includes, but is not limited to:

   a. Instructional services, including academic, remedial and compensatory, bilingual-crosscultural, and career technical instruction

      (cf. 6174 - Education for English Learners)
      (cf. 6177 - Summer Learning Programs)
      (cf. 6178 - Career Technical Education)

   b. Counseling and career education services

      (cf. 6164.2 - Guidance/Counseling Services)

   c. Preschool services in accordance with Education Code 54443

      (cf. 5148.3 - Preschool/Early Childhood Education)

   d. Other educational services that are not otherwise available in sufficient quantity or quality to eligible migrant students

   e. The acquisition of instructional materials and equipment necessary to adequately provide the appropriate services

   f. Other related services to meet the special needs of eligible migrant students to enable them to participate effectively in instructional services
MIGRANT EDUCATION PROGRAM (continued)

g. The coordination and teaming of existing resources serving migrant students, such as bilingual-cross-cultural education, health screening, and compensatory education

(cf. 5141.6 - School Health Services)
(cf. 5147 - Dropout Prevention)
(cf. 6171 - Title I Programs)

3. Individual assessment of the educational and relevant health needs of each participating student, within 30 days of enrollment, including assessments concurrently provided pursuant to compensatory education, bilingual-cross-cultural education, school improvement programs, and other programs serving the student

4. A brief individual learning plan listing the services to be provided to each student, which shall be given to the parent/guardian in writing or at a parent/guardian conference, annually and when the student moves to a new district

5. Staffing and staff development plans and practices to meet the needs of students and implement the program

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

6. Parent/guardian and community involvement as specified in Education Code 54444.2, including, but not necessarily limited to, the establishment of a parent/guardian advisory council to actively involve parents/guardians in planning, operating, and evaluating the district's migrant education program

(cf. 1220 - Citizen Advisory Committees)
(cf. 6020 - Parent Involvement)

The migrant education program shall provide for the same opportunities for parent/guardian involvement that are provided to parents/guardians for federal Title I programs. (20 USC 6394)

7. Evaluations which include annual student progress and overall program effectiveness and quality control reports
MIGRANT EDUCATION PROGRAM (continued)

Contingent upon funding, the district shall provide home-based and/or school-based family literacy services to migrant families to enhance literacy levels, parenting skills, and English language skills of parents/guardians.

Summer School

The district shall conduct summer school program(s) for eligible migrant students. The summer school program shall respond to the individual needs of participating students and shall build on and be consistent with the instructional programs offered to these students during the regular school year. Coursework shall be of the same level of difficulty in each subject as that provided to students enrolled in regular classes of instruction within the district in the preceding year. (Education Code 54444.3)

Teachers in the summer school program shall have cultural training or background and understanding of the special needs of migrant students and possess the proper credential for the subjects and grade levels to which they are assigned. (Education Code 54444.3)

The program shall comply with the following requirements for instructional time: (Education Code 54444.3)

1. For kindergarten class, a minimum of 180 minutes per day, including recesses, for not less than 20 instructional days
2. For grades 1-8, a minimum of 200 minutes per day, including recesses and passing time but excluding noon intermissions, for not less than 20 instructional days
3. For grades 7-12, a minimum of 240 minutes per day, including passing time but excluding noon intermissions, for not less than 30 instructional days

When district facilities that are suitable for the summer climate are available, the district shall make facilities available at cost to other agencies that request facilities for the operation of migrant summer school programs. When approved by the Superintendent of Public Instruction, the district may jointly offer facilities with a neighboring district to meet the needs of the migrant summer school program for the entire area. (Education Code 54444.3)

Applicability of Graduation Requirements

To obtain a high school diploma, migrant students shall complete all courses required by Education Code 51225.3 and shall generally fulfill any additional local graduation requirements prescribed by the Board.
MIGRANT EDUCATION PROGRAM (continued)

(cf. 6146.1 - High School Graduation Requirements)

However, when a migrant student who has completed the second year of high school transfers into the district or transfers between high schools within the district, the student shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the transfer, the Superintendent or designee shall notify the student and the student's parent/guardian of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student no longer meets the definition of a migrant student. (Education Code 51225.1)

(cf. 5145.6 - Parental Notifications)

To determine whether a migrant student is in the third or fourth year of high school, the district shall use either the number of credits the student has earned as of the date of the transfer or the length of school enrollment, whichever qualifies the student for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any migrant student who is granted an exemption and the student's parent/guardian how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a migrant student to transfer schools in order to qualify for an exemption, and no request for a transfer solely to qualify for an exemption shall be made by a migrant student or parent/guardian. (Education Code 51225.1)

If a migrant student is exempted from local graduation requirements, the exemption shall continue to apply after the student no longer meets the definition of a migrant student if the student is still enrolled in school or transfers to another school or district. (Education Code 51225.1)

Upon making a finding that a migrant student is reasonably able to complete district graduation requirements within a fifth year of high school, the Superintendent or designee shall:

1. Inform the student and parent/guardian of the student's option to remain in school for a fifth year to complete the district's graduation requirements and how that will
MIGRANT EDUCATION PROGRAM (continued)

affect the student's ability to gain admission to a postsecondary educational institution

2. Provide information to the student about transfer opportunities available through the California Community Colleges

3. Upon agreement with the student or parent/guardian, permit the student to stay in school for a fifth year to complete the district's graduation requirements

Parent Advisory Council

The parent advisory council shall be comprised of members who are knowledgeable of the needs of migrant students and shall be elected by the parents/guardians of students enrolled in the district's migrant education program. The composition of the council shall be determined by the parents/guardians at a general meeting to which all parents/guardians of participating students shall be invited. The parents/guardians shall be informed, in a language they understand, that

they have the sole authority to decide on the composition of the council. (Education Code 54444.2)

At least two-thirds of the advisory council shall consist of parents/guardians of migrant students. (Education Code 54444.2)

All parent/guardian candidates for the council shall be nominated by parents/guardians. Nonparent candidates, such as teachers, administrators, other school personnel, or students, shall be nominated by the groups they represent. All other community candidates shall be nominated by the parents/guardians. (Education Code 54444.2)

The parent/guardian advisory council shall meet at least six times during the year and shall:

1. Establish program goals, objectives, and priorities

2. Review annual needs assessments, program activities for each school, and individual learning plans

3. Advise on the selection, development, and reassignment of migrant education program staff
MIGRANT EDUCATION PROGRAM (continued)

4. Participate actively in planning and negotiating program applications and service agreements

5. Perform all other responsibilities required under state and federal laws or regulations

The Superintendent or designee shall establish and implement a training program for advisory council members to enable them to carry out their responsibilities. The training program shall be developed in consultation with the council and shall include appropriate training materials in a language understandable to each member. (Education Code 54444.2)

The Superintendent or designee shall provide the council, without charge, a copy of all applicable state and federal migrant education statutes, rules, regulations, guidelines, audits, monitoring reports, and evaluations. Upon request, these materials also shall be provided without charge to each member of the council. (Education Code 54444.2)

Notification and Complaints

Information regarding the educational rights of migrant students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of migrant students, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Regulation approved: CSBA MANUAL MAINTENANCE SERVICE
December 2019
Ventura USD
Board Policy
Nondiscrimination In District Programs And Activities

BP 0410
Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board is committed to providing equal opportunity for all individuals in district programs and activities. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a 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. 1240 - Volunteer Assistance)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Reasonable Accommodation)
(cf. 4033 - Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)
(cf. 6178 - Career Technical Education)
(cf. 6200 - Adult Education)

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

(cf. 3540 - Transportation)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5145.13 - Response to Immigration Enforcement)
Philosophy, Goals, Objectives and Comprehensive Plans

BP 0410 (b)

Nondiscrimination in District Programs and Activities

District programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

The Superintendent or designee shall annually review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

(cf. 1330 - Use of Facilities)

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's web site and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

Access for Individuals with Disabilities
Nondiscrimination in District Programs and Activities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations.

Philosophy, Goals, Objectives and Comprehensive Plans

When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

(cf. 6163.2 - Animals at School)
(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school websites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

(cf. 6020 - Parent Involvement)
(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 5145.13 Response to Immigration Enforcement)

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state federal civil rights laws is hereby designated as the district's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

Assistant Superintendent, Human Resources
255 W. Stanley Avenue; Ventura, CA 93001
805-641-5000

Restrictions on Travel to States with Discriminatory Laws

The Superintendent or designee shall ensure that district funds and resources shall not be used, except as set forth in Government Code 11139.8 or under extraordinary circumstances, to fund, sponsor, or support travel to states that have implemented laws that authorize or allow discrimination on the basis of sexual orientation, gender identity, gender expression, same-sex relationship, or same-sex marriage consistent with Government Code 11139.8.

The Superintendent or designee shall disseminate a list of states meeting the above criteria identified on the website of the State of California Department of Justice - Attorney General:
NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

https://oag.ca.gov/ab1887.

Exceptions to the use of District funds to fund, sponsor or support travel to the identified states is as follows:

1. Enforcement of California law, including auditing and revenue collection.

2. Litigation.

3. To meet contractual obligations incurred before January 1, 2017.

4. To comply with requests by the federal government to appear before committees.

5. To participate in meetings or trainings required by a grant or required to maintain grant funding.

6. To complete job-required training necessary to maintain licensure or similar standards required for holding a position, in the event that comparable training cannot be obtained in California or a different state.

7. For the protection of public health, welfare, or safety, as determined by the affected agency, department, board, authority, or commission, or by the affected legislative office.

8. Extraordinary circumstances.

"Extraordinary circumstances" shall be determined as follows: The Superintendent or designee shall on a case-by-case basis determine the existence of extraordinary circumstances and recommend to the Board of Education whether extraordinary circumstances exist warranting an exception.

Action by the Board of Education will be required to approve the use of funds for an "Extraordinary circumstances" exception. The Superintendent or designee shall have the authority to approve exceptions 1 through 7 above. Appropriate notification shall be disseminated to all affected personnel, students and parents with any approval to exceptions 1 through 8.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
234.7 Student protections relating to immigration and citizenship status
48980 Parental notifications
48985 Notices to parents in language other than English
51007 Legislative intent: state policy
GOVERNMENT CODE
8310.3 California Religious Freedom Act
11000 Definitions
11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act
NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

54953.2 Brown Act compliance with Americans with Disabilities Act
PENAL CODE
422.55 Definition of hate crime
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5
4600-4670 Uniform complaint procedures

Philosophy, Goals, Objectives and Comprehensive Plans

4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities in Education Act
1681-1688 Discrimination based on sex or blindness, Title IX
2301-2414 Strengthening Career and Technical Education for the 21st Century Act
6311 State plans
6312 Local education agency plans
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2000h-6 Title IX
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
36.303 Auxiliary aids and services

Management Resources:
CSBA PUBLICATIONS
Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016
CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018
CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS
California Law Prohibits Workplace Discrimination and Harassment
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter, May 26, 2011
Dear Colleague Letter: Harassment and Bullying, October 2010
Notice of Non-Discrimination, Fact Sheet, August 2010
Dear Colleague Letter: Electronic Book Readers, June 29, 2010
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

2010 ADA Standards for Accessible Design, September 2010
Accessibility of State and Local Government Websites to People with Disabilities, June 2003
WORLD WIDE WEB CONSORTIUM PUBLICATIONS
Web Content Accessibility Guidelines, December 2008
WEB SITES

CSBA:  http://www.csba.org
California Department of Education:  http://www.cde.ca.gov
California Department of Fair Employment and Housing:  http://www.dfeh.ca.gov
Safe Schools Coalition:  http://www.casafeschools.org
Pacific ADA Center:  http://www.adapacific.org

Philosophy, Goals, Objectives and Comprehensive Plans

U.S. Department of Education, Office for Civil Rights:  http://www.ed.gov/about/offices/list/ocr
U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act:  http://www.ada.gov

Policy  VENTURA UNIFIED SCHOOL DISTRICT
adopted:  Ventura, California
Ventura USD
Administrative Regulation
Nondiscrimination/Harassment

AR 5145.3
Students

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3—Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination, targeting a student including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Assistant Superintendent, Certificated Human Resources
255 W. Stanley Avenue, Suite 100
Ventura, CA 93001
(805) 641-5000, Ext. 1154

(cf. 1312.1—Complaints Concerning District Employees)
(cf. 1312.3—Uniform Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's (Assistant Superintendent, Human Resources) contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them on the district's web site and other prominent locations and providing easy access to them through district-supported social media, when available.

2. Post in a prominent and conspicuous location on the district and school web sites
information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.61)

a. The name and contact information of the district's Title IX coordinator, including the phone number and email address

b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

c. A description of how to file a complaint of noncompliance with Title IX in accordance with AR 1312.3—Uniform Complaint Procedures, which shall include:

(1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

(2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site

(3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

(cf. 1113—District and School Web Sites)
(cf. 1114—District-Sponsored Social Media)

3. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

4. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to prove a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

(cf. 5145.6—Parental Notifications)

5. The Superintendent or designee shall ensure that all students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant
information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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

6. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy, what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

7. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

8. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. 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 unlawful discrimination and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school’s response to students, parents/guardians, and the community

(cf. 4112.6/4212.6/4312.6—Personnel Files)
(cf. 4119.23/4219.23/4319.23—Unauthorized Release of Confidential/Privileged Information)
(cf. 5125—Student Records)

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that he/she knew was not true

(cf. 4118—Suspension/Disciplinary Action)
(cf. 4218—Dismissal/Suspension/Disciplinary Action)
(cf. 5144—Discipline)
(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)

Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, he/she shall make a note of the report and encourage the student or parent/guardian to file a formal complaint in writing pursuant to the provisions in AR 1312.3—Uniform Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.
Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 5141.4—Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense of his/her gender, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender he/she was assigned sex at birth.

Regardless of whether they are sexual in nature, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity

2. Disciplining or disparaging a transgender student or excluding him/her from participating in activities for behavior or appearance that is consistent with his/her gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable

3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity

4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent

6. Use of gender-specific slurs

7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender nonconforming students. Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender nonconforming status is his/her private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender nonconforming status is disclosed shall keep the student's information confidential.

When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender nonconforming status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.
2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion of his/her gender identity and begin to treat the student consistent with his/her gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.

3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify and develop strategies for ensuring that the student's access to education programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be entitled to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6153 - School-Sponsored Trips)
(cf. 7110 - Facilities Master Plan)
5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

(cf: 5125 – Student Records)
(cf: 5125.1 – Release of Directory Information)

6. **Names and Pronouns:** If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.

7. **Uniforms/Dress Code:** A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 – Dress Code)

Regulation — VENTURA UNIFIED SCHOOL DISTRICT
approved: January 23, 2018 Ventura, California
The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination, targeting a student including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, national origin, immigration status, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Assistant Superintendent, Certificated Human Resources
255 W. Stanley Avenue, Suite 100
Ventura, CA 93001
(805) 641-5000, Ext. 1154

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5145.13 – Response to Immigration Enforcement)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's (Assistant Superintendent, Human Resources) contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them on the district's web site and other prominent locations and providing easy access to them through district-supported social media, when available,
2. Post in a prominent and conspicuous location on the district and school web sites information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.61)

   a. The name and contact information of the district's Title IX coordinator, including the phone number and email address

   b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

   c. A description of how to file a complaint of noncompliance with Title IX in accordance with AR 1312.3 - Uniform Complaint Procedures, which shall include:

      (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

      (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site

      (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

3. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

4. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to prove a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall
NONDISCRIMINATION/HARASSMENT (continued)

also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

(cf. 5145.6 - Parental Notifications)

5. The Superintendent or designee shall ensure that all students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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

6. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

7. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code)

8. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

Enforcement of District Policy
The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 Nondiscrimination/Harassment. 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 unlawful discrimination and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community
   
   *(cf. 41 12.6/4212.6/4312.6 - Personnel Files)*
   *(cf. 41 19.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*
   *(cf. 5125 - Student Records)*

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that he/she knew was not true
   
   *(cf. 41 18 - Suspension/Disciplinary Action)*
   *(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*
   *(cf. 5144 - Discipline)*
   *(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)*

**Process for Initiating and Responding to Complaints**

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.
NONDISCRIMINATION/HARASSMENT (continued)

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, he/she shall make a note of the report and encourage the student or parent/guardian to file a formal complaint in writing, pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 5 141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense of his/her gender, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender he/she was assigned sex at birth.
Regardless of whether they are sexual in nature, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity
2. Disciplining or disparaging a transgender student or excluding him/her from participating in activities for behavior or appearance that is consistent with his/her gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity
4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. Use of gender-specific slurs
7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students. Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:
Nondiscrimination/Harassment (continued)

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential.

When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion of his/her gender identity and begin to treat the student consistent with his/her gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.

3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify and develop strategies for ensuring that the student's access to education programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by
the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be entitled to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 32 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

(cf. 6145 - Extracurricular and Co-curricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6153 - School-Sponsored Trips)
(cf. 7110 - Facilities Master Plan)

(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
Nondiscrimination/Harassment (continued)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

Regulation
approved: January 23, 2018

VENTURA UNIFIED SCHOOL DISTRICT
Ventura, California
Students

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

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school. (Education Code 48900 (r)(1)(2)(s), 48900.2, 48900.3, 48900.4)

(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)

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

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or -
participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 – Uniform Complaint Procedures)
(cf. 1330 – Use of Facilities)
(cf. 4131 – Staff Development)
(cf. 4231 – Staff Development)
(cf. 4331 – Staff Development)
(cf. 6145 – Extracurricular and Cocurricular Activities)
(cf. 6145.2 – Athletic Competition)
(cf. 6164.2 – Guidance/Counseling Services)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, 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. 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)

Record-Keeping
The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

(cf. 3580—District Records)

Legal Reference:
EDUCATION CODE
200-262.4—Prohibition of discrimination on the basis of sex, especially:
48900—Suspension and Expulsion
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
432—Student record
4600-4687—Uniform complaint procedures
4600-4687—Uniform complaint procedures
4900-4965—Nondiscrimination in elementary and secondary education programs receiving state financial assistance
UNITED STATES CODE, TITLE 20
1681-1688—Title IX of the Education Amendments of 1972
12101-12213—Title II equal opportunity for individuals with disabilities
UNITED STATES CODE, TITLE 29
794—Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17—Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6—Title IX of the Civil Rights Act of 1964
6101-6107—Age Discrimination Act of 1975
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107—Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
99.31—Disclosure of personally identifiable information
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

Management Resources:
CSBA PUBLICATIONS
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender Nonconforming Students, Policy Brief, February 2014
Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

FIRST AMENDMENT CENTER PUBLICATIONS
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: Title IX Coordinators, April 2015
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.firstamendmentcenter.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—VENTURA UNIFIED SCHOOL DISTRICT
adopted: January 23, 2018—Ventura, California
The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying targeted at any student based by anyone, based on the student's actual or perceived race, color, ancestry, national origin, immigration status, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school. (Education Code 48900, 48900.2, 48900.3, 48900.4)

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

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or
investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. He/she shall report his/her findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

Record-Keeping
The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE
234.7 Student protections relating to immigration and citizenship status
200-262.4 Prohibition of discrimination on the basis of sex, especially:
48900 Suspension and Expulsion
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
5 1500 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
432 Student record
4600-4687 Uniform complaint procedures
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
12101-12213 Title II equal opportunity for individuals with disabilities
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
99.31 Disclosure of personally identifiable information
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
NONDISCRIMINATION/HARASSMENT (continued)


Management Resources:

CSBA PUBLICATIONS
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

FIRST AMENDMENT CENTER PUBLICATIONS
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: Title IX Coordinators, April 2015
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.firstamendmentcenter.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
adopted: January 23, 2018

VENTURA UNIFIED SCHOOL DISTRICT
Ventura, California
The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians and students all notifications required by law and any other notifications he/she believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5022 - Student and Family Privacy Rights)
(cf. 6020 - Parent Involvement)
(cf. 5145.13 – Response to Immigration Enforcement)

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless his/her parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

Whenever a student enrolls in a district school during the school year, his/her parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)
PARENTAL NOTIFICATIONS (continued)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, he/she shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:

EDUCATION CODE
234.7 Student protections relating to immigration and citizenship status
221.5 Prohibited sex discrimination
231.5 Sexual harassment policy
234.7 Student protections relating to immigration and citizenship status
262.3 Appeals for discrimination complaints; information regarding availability of civil remedies
310 Language acquisition programs
313 Reclassification of English learners, parental consultation
313.2 Long-term English learner, notification
440 English language proficiency assessment; instruction in English language development
8483 Before/after school program; enrollment priorities
17288 Building standards for university campuses
17611.5-17612 Notification of pesticide use
32221.5 Insurance for athletic team members
32255-32255.6 Right to refuse harmful or destructive use of animals
32390 Fingerprint program; contracts; funding; consent of parent/guardian
33479.3 The Eric Paredes Sudden Cardiac Arrest Prevention Act
35160.5 Extracurricular and cocurricular activities
35178.4 Notice of accreditation status
35182.5 Advertising in the classroom
35183 School dress codes; uniforms
35186 Complaints concerning deficiencies in instructional materials and facilities
35211 Driver training; district insurance, parent/guardian liability
35256 School Accountability Report Card
35258 School Accountability Report Card
35291 Rules for student discipline
37616 Consultation regarding year-round schedule
39831.5 School bus rider rules and information
44050 Employee codes of conduct, employee interactions with students
44808.5 Permission to leave school grounds
46010.1 Notice regarding excuse to obtain confidential medical services
46014 Regulations regarding absences for religious purposes
46600-46611 Interdistrict attendance agreements
48000 Minimum age of admission
48070.5 Promotion or retention of students
48204 Residency requirements
48205 Absence for personal reasons
48206.3 Students with temporary disabilities; individual instruction; definitions

Legal Reference continued: (see next page)
PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)
48207-48208 Students with temporary disabilities in hospitals
48213 Prior notice of exclusion from attendance
48216 Immunization
48260.5 Notice regarding truancy
48262 Need for parent conference regarding truancy
48263 Referral to school attendance review board or probation department
48301 Interdistrict transfers
48350-48361 Open Enrollment Act
48354 Option to transfer from school identified under Open Enrollment Act
48357 Status of application for transfer from school identified under Open Enrollment Act
48412 Certificate of proficiency
48432.3 Voluntary enrollment in continuation education
48432.5 Involuntary transfers of students
48850-48859 Education of foster youth and homeless students
48900.1 Parental attendance required after suspension
48904 Liability of parent/guardian for willful student misconduct
48904.3 Withholding grades, diplomas, or transcripts
48906 Notification of release of student to peace officer
48911 Notification in case of suspension
48911.1 Assignment to supervised suspension classroom
48912 Closed sessions; consideration of suspension
48915.1 Expelled students; enrollment in another district
48916 Readmission procedures
48918 Rules governing expulsion procedures
48929 Transfer of student convicted of violent felony or misdemeanor
48980 Required notification at beginning of term
48980.3 Notification of pesticide use
48981 Time and means of notification
48982 Parent signature acknowledging receipt of notice
48983 Contents of notice
48984 Activities prohibited unless notice given
48985 Notices to parents in language other than English
48987 Child abuse information
49013 Use of uniform complaint procedures for complaints regarding student fees
49063 Notification of parental rights
49067 Student evaluation; student in danger of failing course
49068 Transfer of permanent enrollment and scholarship record
49069 Absolute right to access
49070 Challenging content of student record
49073 Release of directory information
49073.6 Student records, social media
49076 Access to student records
49077 Access to information concerning a student in compliance with court order

Legal Reference continued: (see next page)
PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)
49403 Cooperation in control of communicable disease and immunization
49423 Administration of prescribed medication for student
49451 Physical examinations: parent’s refusal to consent
49452.5 Screening for scoliosis
49452.7 Information on type 2 diabetes
49452.8 Oral health assessment
49456 Results of vision or hearing test
49471-49472 Insurance
49475 Student athletes; concussions and head injuries
49480 Continuing medication regimen for nonepisodic conditions
49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
51225.1 Exemption from district graduation requirements
51225.2 Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students
51225.3 Graduation requirements; courses that satisfy college entrance criteria
51229 Course of study for grades 7-12
51513 Personal beliefs; privacy
51938 HIV/AIDS and sexual health instruction
52164 Language census
52164.1 Census-taking methods; determination of primary language; assessment of language skills
52164.3 Reassessment of English learners; notification of results
54444.2 Migrant education programs; parent involvement
56301 Child-find system; policies regarding written notification rights
56321 Special education; proposed assessment plan
56321.5-56321.6 Notice of parent rights pertaining to special education
56329 Written notice of right to findings; independent assessment
56341.1 Development of individualized education program; right to audio record meeting
56341.5 Individualized education program team meetings
56343.5 Individualized education program meetings
56521.1 Behavioral intervention
58501 Alternative schools; notice required prior to establishment
60615 Exemption from state assessment
60641 California Assessment of Student Performance and Progress
69432.9 Submission of grade point average to Cal Grant program

CIVIL CODE
1798.29 District records, breach of security

HEALTH AND SAFETY CODE
1596.857 Right to enter child care facility
104420 Tobacco use prevention
104855 Availability of topical fluoride treatment
116277 Lead testing of school drinking water
120365-120375 Immunizations
120440 Sharing immunization information
124100-124105 Health screening and immunizations

Legal Reference continued: (see next page)
PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

PENAL CODE
626.81 Notice of permission granted to sex offender to volunteer on campus
627.5 Hearing request following denial or revocation of registration

CODE OF REGULATIONS, TITLE 5
852 Exemptions from state assessments
863 Reports of state assessment results
3052 Behavioral intervention
4622 Notification of uniform complaint procedures
4631 Uniform complaint procedures; notification of decision and right to appeal
4702 Student transfer from school identified under Open Enrollment Act
4917 Notification of sexual harassment policy
11303 Reclassification of English learners
11511.5 English language proficiency assessment; test results
11523 Notice of proficiency examinations
18066 Child care policies regarding excused and unexcused absences
18094-18095 Notice of Action; child care services
18114 Notice of delinquent fees; child care services
18118-18119 Notice of Action; child care services

CODE OF REGULATIONS, TITLE 17
2951 Hearing tests
6040 Time period to obtain needed immunizations

UNITED STATES CODE, TITLE 20
1232g Family Educational and Privacy Rights Act
1232h Privacy rights
1415 Procedural safeguards
6311 State plan
6312 Local educational agency plans
6318 Parent and family engagement
7908 Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42
1758 Child nutrition programs
11431-11435 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 7
245.5 Eligibility criteria for free and reduced-price meals
245.6a Verification of eligibility for free and reduced-price meals

Legal Reference continued: (see next page)
PARENTAL NOTIFICATIONS  (continued)

Legal Reference:  (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34
99.7  Student records, annual notification
99.30 Disclosure of personally identifiable information
99.34 Student records, disclosure to other educational agencies
99.37 Disclosure of directory information
104.32 District responsibility to provide free appropriate public education
104.36 Procedural safeguards
104.8 Nondiscrimination
106.9 Dissemination of policy, nondiscrimination on basis of sex
200.48 Teacher qualifications
300.300 Parent consent for special education evaluation
300.322 Parent participation in IEP team meetings
300.502 Independent educational evaluation of student with disability
300.503 Prior written notice regarding identification, evaluation, or placement of student with disability
300.504 Procedural safeguards notice for students with disabilities
300.508 Due process complaint
300.530 Discipline procedures

CODE OF FEDERAL REGULATIONS, TITLE 40
763.84 Asbestos inspections, response actions and post-response actions
763.93 Asbestos management plans

Management Resources:

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS
Unpaid Meal Charges:  Guidance and Q&A, SP 23-2017, March 2017
Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005

WEB SITES

Policy  VENTURA UNIFIED SCHOOL DISTRICT
adopted:  Ventura, California
Ventura USD
Board Policy
Parental Notifications

BP 5145.6
Students

The Governing Board recognizes that notifications are essential to effective communication between the school and the home. The Superintendent or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.

(cf. 5020 — Parent Rights and Responsibilities)
(cf. 5022 — Student and Family Privacy Rights)
(cf. 6020 — Parent Involvement)

The notice required pursuant to Education Code 48980 shall be sent at the beginning of each academic year and may be provided either by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 48981, 48982)

If any activity specified in Education Code 48980 will be undertaken by any school during the forthcoming school term, the notice shall state that fact and the approximate date on which any such activity will occur. No such activity shall be undertaken with respect to any particular student unless his/her parent/guardian has been informed of such action through the annual notification or other separate special notification. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian’s signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

The Superintendent or designee shall ensure that notifications which must be sent at the beginning of each academic year include a request that the parent/guardian sign the notice and return it to the school. (Education Code 48981, 48982)

Notifications to parents/guardians shall be written both in English and in the family’s primary language when so required by law. (Education Code 48981, 48985; 20 USC 6311, 6312)

Whenever an employee learns that a student's parent/guardian is, for any reason, unable to understand the district's printed notifications, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.
Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination
231.5 Sexual harassment policy
262.3 Appeals for discrimination complaints; information regarding availability of civil remedies
310-311 Structured English immersion program, parental exception waivers
313 Reclassification of English learners, parental consultation
440 English language proficiency assessment; instruction in English language development
17288 Building standards for university campuses
17612 Notification of pesticide use
32221.5 Insurance for athletic team members
32255-32255.6 Right to refuse harmful or destructive use of animals
32390 Fingerprint program; contracts; funding; consent of parent/guardian
35160.5 Extracurricular and co-curricular activities
35178.4 Notice of accreditation status
35183 School dress codes; uniforms
35186 Complaints concerning deficiencies in instructional materials and facilities
35256 School Accountability Report Card
35291 Rules for student discipline
37254 Intensive instruction for students who have not passed High School Exit Examination
37616 Consultation regarding year-round schedule
39831.5 School bus rider rules and information
44808.5 Permission to leave school grounds
46010.1 Notice regarding excuse to obtain confidential medical services
46014 Regulations regarding absences for religious purposes
46600-46611 Interdistrict attendance agreements
48000 Minimum age of admission
48070.5 Promotion or retention of students
48204 Residency requirements
48205 Absence for personal reasons
48206.3 Students with temporary disabilities; individual instruction; definitions
48207-48208 Students with temporary disabilities in hospitals
48213 Prior notice of exclusion from attendance
48216 Immunization
48260.5 Notice regarding truancy
48262 Need for parent conference regarding truancy
48263 Referral to school attendance review board or probation department
48354 Option to transfer from school identified under Open Enrollment Act
48357 Status of application for transfer from school identified under Open Enrollment Act
48432.5 Involuntary transfers of students
48900.1 Parental attendance required after suspension
48904 Liability of parent/guardian for willful student misconduct
48904.3—Withholding grades, diplomas, or transcripts
48906—Notification of release of student to peace officer
48911—Notification in case of suspension
48911.1—Assignment to supervised suspension classroom
48912—Closed sessions; consideration of suspension
48915.1—Expelled students; enrollment in another district
48916—Readmission procedures
48918—Rules governing expulsion procedures
48980—Required notification at beginning of term
48980.3—Notification of pesticide use
48981—Time and means of notification
48982—Parent signature acknowledging receipt of notice
48983—Contents of notice
48984—Activities prohibited unless notice given
48985—Notifications to parents in language other than English
48987—Child abuse information
49013—Use of uniform complaint procedures for complaints regarding student fees
49063—Notification of parental rights
49067—Student evaluation; student in danger of failing course
49068—Transfer of permanent enrollment and scholarship record
49069—Absolute right to access
49073—Release of directory information
49076—Access to student records
49077—Access to information concerning a student in compliance with court order
49403—Cooperation in control of communicable disease and immunization
49423—Administration of prescribed medication for student
49451—Physical examinations; parent's refusal to consent
49452.5—Screening for scoliosis
49452.7—Information on type 2 diabetes
49452.8—Oral health assessment
49456—Results of vision or hearing test
49472—Insurance
49475—Student athletes; concussions and head injuries
49480—Continuing medication regimen for nonepisodic conditions
49510-49520—Duffy-Moscone Family Nutrition Education and Services Act of 1970
51225.3—Graduation requirements; courses that satisfy college entrance criteria
51229—Course of study for grades 7-12
51513—Personal beliefs; privacy
51938—HIV/AIDS and sexual health instruction
52164.1—Census-taking methods; determination of primary language; assessment of language-skills
52164.3—Reassessment of English learners; notification of results
52244—Advanced Placement program
54444.2—Migrant education programs; parent involvement
56301—Child find system; policies regarding written notification rights
56321—Special education: proposed assessment plan
56321.5-56321.6  Notice of parent rights pertaining to special education
56329  Written notice of right to findings; independent assessment
56341.1  Development of individualized education program; right to audio record meeting
56341.5  Individualized education program team meetings
56343.5  Individualized education program meetings
58501  Alternative schools; notice required prior to establishment
60041  Standardized Testing and Reporting Program
60850  High School Exit Examination
60852.4  High School Exit Examination; waiver for student with disabilities

HEALTH AND SAFETY CODE
1596.857  Right to enter child care facility
104855  Availability of topical fluoride treatment
120365-120375  Immunizations
120440  Sharing immunization information
124100  Health screening and immunizations

PENAL CODE
627.5  Hearing request following denial or revocation of registration

CODE OF REGULATIONS, TITLE 5
850  Definitions; notification regarding use of California Modified Assessment
863  Standardized Testing and Reporting Program
3052  Behavioral intervention
3831  General standards, Gifted and Talented Education program
4622  Notification of uniform complaint procedures
4631  Uniform complaint procedures; notification of decision and right to appeal
4702  Student transfer from school identified under Open Enrollment Act
4917  Notification of sexual harassment policy
11303  Reclassification of English learners
11309  Parental exception waivers
11511.5  English language proficiency assessment; test results
11523  Notice of proficiency examinations
18066  Child care policies regarding excused and unexcused absences

CODE OF REGULATIONS, TITLE 17
6040  Time period to obtain needed immunizations

UNITED STATES CODE, TITLE 20
1232g  Family Educational and Privacy Rights Act
1232h  Privacy rights
1415  Procedural safeguards
6311  State plans
6312  Local education agency plans
6316  Academic assessment and local education agency school improvement
6318  Parental involvement
7012  Instruction in English language development
7908  Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42
1758  Child nutrition programs

CODE OF FEDERAL REGULATIONS, TITLE 7
245.5—Eligibility criteria for free and reduced-price meals
245.6a—Verification of eligibility for free and reduced-price meals

CODE OF FEDERAL REGULATIONS, TITLE 34
99.7—Student records, annual notification
99.34—Student records, disclosure to other educational agencies
99.37—Disclosure of directory information
104.32—District responsibility to provide free appropriate public education
104.36—Procedural safeguards
104.8—Nondiscrimination
106.9—Dissemination of policy, nondiscrimination on basis of sex
200.61—Teacher qualifications
300.300—Parent consent for special education evaluation
300.322—Parent participation in IEP team meetings
300.502—Independent educational evaluation of student with disability
300.503—Prior written notice regarding identification, evaluation, or placement of student with disability
300.504—Procedural safeguards notice for students with disabilities
300.508—Due process complaint
300.530—Discipline procedures

CODE OF FEDERAL REGULATIONS, TITLE 40
763.84—Asbestos inspections, response actions and post-response actions
763.93—Asbestos management plans

Policy VENTURA UNIFIED SCHOOL DISTRICT
adopted: August 13, 2013—Ventura, California
Ventura USD
Exhibit
Parental Notifications

E 5145.6
Students

Cautionary Notice 2010-13: AB 1610 (Ch. 724, Statutes of 2010) amended Education Code-37252.2 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under that section. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

***Note: This exhibit relates to notices which must be provided to parents/guardians. Unless otherwise indicated, code numbers below refer to Education Code sections.***

I. Annually

When to Notify: Beginning of each school year
Education Code 17612, 48980.3
Board Policy/Administrative Regulation #: See AR 3514.2
Subject: Use of pesticide product, active ingredients, Internet address to access information

When to Notify: Beginning of each school year
Education Code 32255-32255.6, 48980
Board Policy/Administrative Regulation #: See BP 5145.8, See AR 5145.8
Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Annually
Education Code 35256
Board Policy/Administrative Regulation #: See BP 0510
Subject: School Accountability Report Card provided

When to Notify: Beginning of each school year
Education Code 35291, 48980
Board Policy/Administrative Regulation #: See BP 5144, See AR 5144.1
Subject: District and site discipline rules

When to Notify: Beginning of each school year if high school open campus
Education Code 44808.5, 48980
Board Policy/Administrative Regulation #: See BP 5112.5
Subject: Open campus

When to Notify: Beginning of each school year if Board has adopted resolution allowing such absence
Education Code 46014, 48980
Board Policy/Administrative Regulation #: See BP 5113, See AR 5113
Subject: Absence for religious purposes

When to Notify: Beginning of each school year
Education Code 48205, 48980
Board Policy/Administrative Regulation #: See BP 5113, See AR 5113
Subject: Absence for justifiable personal reasons

When to Notify: Beginning of each school year
Education Code 48205, 48980
Board Policy/Administrative Regulation #: See AR 6154
Subject: Grade/credit cannot be reduced due to excused absence if work or test has been completed

When to Notify: Beginning of each school year
Education Code 48206.3, 48207, 48208, 48980
Board Policy/Administrative Regulation #: See AR 6183
Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year
Education Code 48216, 48980
Board Policy/Administrative Regulation #: See BP 5141.31, See AR 5141.31
Subject: Immunizations

When to Notify: Beginning of each school year
Education Code 48980
Board Policy/Administrative Regulation #: See AR 5111.1, See AR 5116.1 See AR 5117
Subject: All statutory attendance options and available local attendance options, available local attendance option, options for meeting residency

When to Notify: Beginning of each school year
Education Code 48980, 231.5
Board Policy/Administrative Regulation #: See AR 5145.7
Subject: Sexual harassment policy as related to students

When to Notify: Beginning of each school year
Education Code 48980, 52244
Board Policy/Administrative Regulation #: See AR 6141.5
Subject: Availability of state funds to cover costs of advanced placement exam fees

When to Notify: Beginning of each school year
Education Code 48980
Board Policy/Administrative Regulation #: See BP 6111
Subject: Schedule of minimum days

When to Notify: Beginning of each school year
Education Code 49063, 49068, 49069, 20 USC 1232g, 34 CFR 99.7
Board Policy/Administrative Regulation #: See BP 5125, See AR 5125
Subject: Student records; Inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine school official legitimate educational interest

When to Notify: Beginning of each school year
Education Code 49063, 49070
Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3
Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year
Education Code 49063, 49073
Board Policy/Administrative Regulation #: See AR 5125.1
Subject: Release of directory information

When to Notify: Beginning of each school year
Education Code 49063, 49091.14
Board Policy/Administrative Regulation #: See AR 5020, See AR 5125
Subject: Availability of course prospectus

When to Notify: Beginning of each school year
Education Code 49423, 49480, 48980
Board Policy/Administrative Regulation #: See AR 5141.21
Subject: Administration of prescribed medication
When to Notify: Beginning of each school year
Education Code 49451, 48980
Board Policy/Administrative Regulation #: See BP 5141.3
Subject: Refusal to consent to physical examination

When to Notify: Beginning of each school year
Education Code 49472, 48980
Board Policy/Administrative Regulation #: See BP 5143
Subject: Availability of insurance

When to Notify: Beginning of each school year
Education Code 49510-49520, 48980
Board Policy/Administrative Regulation #: See BP 3553
Subject: Free and reduced price meals

When to Notify: Annually
Education Code 56301
Board Policy/Administrative Regulation #: See BP 6164.4
Subject: Rights of all parents related to special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year
Education Code 58501
Board Policy/Administrative Regulation #: See BP 6181
Subject: Alternative schools

When to Notify: Beginning of each school year
Board Policy/Administrative Regulation #: See BP 0410
Subject: Nondiscrimination on basis of sex, disability, ethnicity or lack of English skills

When to Notify: Annually
5 CCR 4622
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Uniform complaint procedures and available appeals and civil law remedies; identity of coordinators
When to Notify: Annually to parent, teacher and employee organizations; in absence of organizations, to individuals
40 CFR 763.93
Board Policy/Administrative Regulation #: See AR 3514
Subject: Availability of complete, updated management plan for asbestos containing material in school buildings

When to Notify: Beginning of each school year
20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5022
Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing

When to Notify: For districts receiving Title I funds, beginning of each school year
20 USC 6311
Board Policy/Administrative Regulation #: See AR 4112.24, See AR 4222
Subject: Right to request information re: professional qualification of their child's teacher and paraprofessional

II. At Specific Times During the Student’s Academic Career

When to Notify: At least once before counseling in grades 7 through 12
Education Code 221.5, 48980
Board Policy/Administrative Regulation #: See BP 6164.2
Subject: Course selection and career counseling

When to Notify: At beginning of school year if student had been placed in structured English immersion program
Education Code 310, 5 CCR 11309
Board Policy/Administrative Regulation #: See AR 6174
Subject: Placement of child in program and opportunity to apply for parental exception waiver

When to Notify: Before high school student attends specialized secondary program on a university campus
Education Code 17288
Board Policy/Administrative Regulation #: None
Subject: University campus buildings may not meet Education Code requirements for structural safety
When to Notify: Before presenting a course using live or dead animals or animal parts
Education Code 32255-32255.6
Board Policy/Administrative Regulation #: See BP 5145.8
Subject: Right to refrain from harmful or destructive use of animals

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program
Education Code 32390, 48980
Board Policy/Administrative Regulation #: See BP 5142.1
Subject: Fingerprinting program

When to Notify: Upon registration, if K-6 students have not previously been transported
Education Code 39831.5
Board Policy/Administrative Regulation #: See AR 3543
Subject: School bus safety rules and information, list of stops, rules of conduct, red in a school bus light danger zones, walking to and from stops

When to Notify: Beginning of each school year in grades 7-12
Education Code 46010.1
Board Policy/Administrative Regulation #: See BP 5113
Subject: Absence for confidential medical services

When to Notify: Upon admission to school
Education Code 48216, 49403, Health and Safety Code 120365, 120370, 120375
Board Policy/Administrative Regulation #: See AR 5141.31
Subject: Immunizations

When to Notify: Before early entry to kindergarten, if offered
Education Code 48000
Board Policy/Administrative Regulation #: See AR 5111
Subject: Effects, advantages and disadvantages of early entry
Subject: Assignment to an opportunity school/class/program

When to Notify: Beginning each school year in grades 9-12 and when high school students transfers into the district
Education Code 48980, 60850
Board Policy/Administrative Regulation #: See AR 6146.1, See 6162.52
Subject: Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation
When to Notify: Beginning of each school year for students in grades 7-12
Education Code 51938, 48980
Board Policy/Administrative Regulation #: See AR 6142.1
Subject: Explanation of sex and HIV/AIDS instruction, right to view A/V materials, who-teaching, request specific Education Code sections, right to excuse

When to Notify: Upon assessment and reassessment of English proficiency and enrollment in program of education for English language learners
Education Code 52164.1, 52164.3, 52173, 5 CCR 11303
Board Policy/Administrative Regulation #: See AR 6174
Subject: Program of education for English language learners

When to Notify: Within 20 working days of receiving results of standardized achievement tests
Education Code 60641, 5 CCR 863
Board Policy/Administrative Regulation #: See AR 6162.51
Subject: Results of tests; test purpose, individual score and intended use

When to Notify: When child is enrolled in kindergarten
Health and Safety Code 124085, 124100
Board Policy/Administrative Regulation #: See BP 5141.32
Subject: Health screening examination

When to Notify: Prior student participation in gifted and talented program
5 CCR 3831
Board Policy/Administrative Regulation #: See AR 6172
Subject: Gifted and talented student program

When to Notify: Within 30 calendar days of receipt of results
5 CCR 11511.5
Board Policy/Administrative Regulation #: See AR 6174
Subject: CELDT test results

When to Notify: To students in grades 11 and 12, early enough to enable registration for current fall test
5 CCR 11523
Board Policy/Administrative Regulation #: See AR 6146.2
Subject: Notice of proficiency examination provided under Education Code 48412
When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents of English learners

20 USC 6312

Board Policy/Administrative Regulation #: See AR 6174

Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

III. When Special Circumstances Occur

When to Notify: Upon receipt of a complaint alleging discrimination

Education Code 262.3

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Civil law remedies available to complaints

When to Notify: At least 72 hours before use of pesticide product not included in annual list

Education Code 17612

Board Policy/Administrative Regulation #: See AR 3514.2

Subject: Intended use of pesticide product

When to Notify: If school has lost its WASC accreditation status

Education Code 35178.4

Board Policy/Administrative Regulation #: See BP 6190

Subject: Loss of status, potential consequences

When to Notify: At least six months before implementing a schoolwide uniform policy

Education Code 35183

Board Policy/Administrative Regulation #: See AR 5132

Subject: Dress code policy requiring schoolwide uniform

When to Notify: Before implementing a continuous school program

Education Code 37616

Board Policy/Administrative Regulation #: See BP 6117

Subject: Continuous school program

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days

Education Code 46601

Board Policy/Administrative Regulation #: See AR 5117

Subject: Appeal process
When to Notify: When student identified as being at risk of retention
Education Code 48070.5
Board Policy/Administrative Regulation #: See AR 5123
Subject: Student at risk of retention

When to Notify: When a student is classified a truant
Education Code 48260.5
Board Policy/Administrative Regulation #: See AR 5113
Subject: Parental obligation

When to Notify: When a truant is referred to a SARB or probation department
Education Code 48263
Board Policy/Administrative Regulation #: See AR 5113
Subject: Name and address of SARB or probation department and reason for referral

When to Notify: Prior to involuntary transfer to continuation school
Education Code 48432.5
Board Policy/Administrative Regulation #: See AR 6184
Subject: Right to require a meeting prior to involuntary transfer to continuation school

When to Notify: Prior to withholding grades, diplomas, or transcripts
Education Code 48904
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Damaged school property

When to Notify: When withholding grades, diplomas or transcripts from transferring student
Education Code 48904.3
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer
Education Code 48906
Board Policy/Administrative Regulation #: See BP 5145.11
Subject: Release of student to peace officer

When to Notify: At time of suspension
Education Code 48911
Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1
Subject: Notice of suspension

When to Notify: When original period of suspension is extended
Education Code 48911
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Extension of suspension

When to Notify: Before holding a closed session re: suspension
Education Code 48912
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Intent to hold a closed session re: suspension

When to Notify: When student expelled from another district for certain acts seeks admission
Education Code 48915.1, 48918
Board Policy/Administrative Regulation #: See AR 5119
Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied
Education Code 48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Reasons for denial; determination of assigned program

When to Notify: When expulsion occurs
Education Code 48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Description of readmission procedures

When to Notify: 10 calendar days before expulsion hearing
Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Notice of expulsion hearing

When to Notify: When expulsion or suspension of expulsion occurs
Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status
When to Notify: One month before the scheduled minimum day
Education Code 48980
Board Policy/Administrative Regulation #: See BP 6111
Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents request guidelines for filing complaint of child abuse at a school site
Education Code 48987
Board Policy/Administrative Regulation #: See BP 1312.1
Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course
Education Code 49067
Board Policy/Administrative Regulation #: See AR 5121
Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school
Education Code 49068
Board Policy/Administrative Regulation #: See AR 5125
Subject: Right to receive copy of student's record and to challenge its content

When to Notify: Within 24 hours of release of information to a judge or probation officer
Education Code 49076
Board Policy/Administrative Regulation #: See AR 5125
Subject: Release of student record information to a judge or probation officer for conducting a truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena
Education Code 49077
Board Policy/Administrative Regulation #: See AR 5125
Subject: Release of information pursuant to court order or subpoena

When to Notify: Before student serves on safety patrol
Education Code 49302
Board Policy/Administrative Regulation #: See AR 5142.2
Subject: Parental consent
When to Notify: When injurious object is taken from student
Education Code 49332
Board Policy/Administrative Regulation #: See AR 5131.7
Subject: Weapons and dangerous objects

When to Notify: When screening results in suspicion that student has scoliosis
Education Code 49452.5
Board Policy/Administrative Regulation #: See BP 5141.3
Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects
Education Code 49456
Board Policy/Administrative Regulation #: See BP 5141.3
Subject: Vision or hearing test

When to Notify: When a district with junior/high schools does not provide medical/hospital services for injured athletic students
Education Code 49471
Board Policy/Administrative Regulation #: See AR 5143
Subject: Unavailability of services

When to Notify: Before any test questioning personal beliefs
Education Code 51513
Board Policy/Administrative Regulation #: See AR 5022
Subject: Permission for test questioning personal beliefs

When to Notify: Within 14 days of instruction if arrangement made for guest speaker after beginning of school year
Education Code 51938
Board Policy/Administrative Regulation #: BP 6142.1
Subject: Instruction in HIV/AIDS or sexual health education by guest speaker or outside consultant

When to Notify: When migrant education program is established
Education Code 54444.2
Board Policy/Administrative Regulation #: See BP 6175, See AR 6175
Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program
Health and Safety Code 1596.857
Board Policy/Administrative Regulation #: See AR 5148
Subject: Parent right to enter facility

When to Notify: When sharing student immunization information with an immunization system
Health and Safety Code 120440
Board Policy/Administrative Regulation #: See AR 5125
Subject: Types of information to be shared, name and address of agency; acceptable use of they-information; right to examine; right to refuse to share

When to Notify: When hearing is requested by person asked to leave school premises
Penal Code 627.5
Board Policy/Administrative Regulation #: See AR 3515.2
Subject: Notice of hearing

When to Notify: When providing written decision in response to a complaint re: discrimination, special education, or noncompliance with laws regulating educational program
5 CCR 4631
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Appeal rights and procedures

When to Notify: When child participates in licensed child care and development program
5 CCR 18066
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies re: unexcused absences

When to Notify: When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30
34 CFR 99.34
Board Policy/Administrative Regulation #: See AR 5125
Subject: Right to review records

When to Notify: For districts receiving Title I funds, when a child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"
20 USC 6311
Board Policy/Administrative Regulation #: See AR 4112.24
Subject: Timely notice to parent of child's assignment

When to Notify: When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress
20 USC 6312
Board Policy/Administrative Regulation #: See AR 0520.2
Subject: Notice of failure to parents of ELL students

When to Notify: When school identified for program improvement or corrective action

20 USC 6316
Board Policy/Administrative Regulation #: See AR 0520.2, See AR 5116.1
Subject: Explanation of identification, reasons, how problem will be addressed, how parents can become involved, transfer option, availability of supplemental services

When to Notify: For districts with schools that have been identified for program improvement or corrective action, annually

20 USC 6316
Board Policy/Administrative Regulation #: See AR 0520.2
Subject: Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers

When to Notify: When district identified for program improvement

20 USC 6316
Board Policy/Administrative Regulation #: See AR 0520.3
Subject: Explanation of status, reasons for identification, how parents can participate in upgrading district

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy

20 USC 6318
Board Policy/Administrative Regulation #: See AR 6171
Subject: Notice of policy

When to Notify: For districts with secondary students receiving Title I funds

20 USC 7908
Board Policy/Administrative Regulation #: See AR 5125.1
Subject: Notice that parents may request that district not release name, address, phone number of student to military recruiters without prior consent

When to Notify: Within 15 days of referral for assessment, for special education programs

Education Code 56321
Board Policy/Administrative Regulation #: See AR 6164.4
Subject: Proposed assessment plan and related parental rights
IV. Special Education Notices

When to Notify: Upon completion of administration of assessment
Education Code 56329, 34 CFR 300.502
Board Policy/Administrative Regulation #: See AR 6164.4
Subject: IEP meeting scheduled and determination at meeting

When to Notify: If parent disagrees with assessment
Education Code 56329, 34 CFR 300.502
Board Policy/Administrative Regulation #: See AR 6164.4
Subject: Right to obtain independent educational assessment

When to Notify: 24 hours before IEP when intending to tape record
Education Code 56341
Board Policy/Administrative Regulation #: See AR 6159
Subject: Intention to tape record IEP meeting

When to Notify: When parent orally requests review of IEP
Education Code 56343.5
Board Policy/Administrative Regulation #: See AR 6159
Subject: Need for written request

When to Notify: Prior to participation in special education
Education Code 56346
Board Policy/Administrative Regulation #: See AR 6159
Subject: Notice of IEP meetings, why participation necessary

When to Notify: Before functional behavioral assessment begins
5 CCR 3052
Board Policy/Administrative Regulation #: See AR 6159.4
Subject: Notification and consent

When to Notify: Before modification of behavioral intervention plan
5 CCR 3052
Board Policy/Administrative Regulation #: See AR 6159.4
Subject: Need for modification, right to question modification
When to Notify: Within one school day of emergency intervention or serious property damage
5 CCR 3052
Board Policy/Administrative Regulation #: See AR 6159.4
Subject: Emergency intervention

When to Notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation or placement
20 USC 1415(c), 34 CFR 300.503
Board Policy/Administrative Regulation #: See AR 6159.1
Subject: Prior written notice

When to Notify: Initial referral for evaluation
20 USC 1415(d)
Board Policy/Administrative Regulation #: See AR 6159.1
Subject: Procedural safeguards notice

When to Notify: Notification of IEP meeting
20 USC 1415(d)
Board Policy/Administrative Regulation #: See AR 6159.1
Subject: Procedural safeguards notice

When to Notify: Reevaluation of student
20 USC 1415(d)
Board Policy/Administrative Regulation #: See AR 6159.1
Subject: Procedural safeguards notice

When to Notify: Registration of complaint
20 USC 1415(d)
Board Policy/Administrative Regulation #: See AR 6159.1
Subject: Procedural safeguards notice

When to Notify: Suspension for more than 10 days or disciplinary action taken for dangerous behavior
20 USC 1415(k), 34 CFR 300.523
Board Policy/Administrative Regulation #: See AR 5144.2
Subject: Decision

When to Notify: Change of placement for more than 10 days
20 USC 1415(k), 34 CFR 300.523
When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting
34 CFR 300.345, Education Code 56341.5

When to Notify: Upon requesting a due process hearing
34 CFR 300.507

V. Classroom Notices

Board Policy/Administrative Regulation #: See AR 1312.4, See E 1312.4
Subject: Complaint rights re: sufficiency of instructional materials, teacher vacancy and misassignment, maintenance of facilities

03/06

VENTURA UNIFIED SCHOOL DISTRICT
version: 2006 —— Ventura, California
# Ventura USD

## Exhibit

**Students**

### PARENTAL NOTIFICATIONS

<table>
<thead>
<tr>
<th>When to Notify</th>
<th>Education or Other Legal Code</th>
<th>Board Policy/Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Annually</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 222.5</td>
<td>BP 5146</td>
<td>Rights and options for pregnant and parenting students</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 234.7</td>
<td>BP 0410 BP 5145.13 AR 5145.13</td>
<td>Right to a free public education regardless of immigration status or religious beliefs</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 310</td>
<td>BP 6142.2 AR 614</td>
<td>Information on the district's language acquisition programs</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 17611.5, 17612, 48980.3</td>
<td>AR 3514.2</td>
<td>Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site and uses certain pesticides, integrated pest management plan</td>
</tr>
<tr>
<td>By February 1</td>
<td>Education Code 35256, 35258</td>
<td>BP 0510</td>
<td>School Accountability Report Card provided</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 35291, 48980</td>
<td>AR 5144 AR 5144.1</td>
<td>District and site discipline rules</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 44050</td>
<td>BP 4119.21 BP 4219.21 BP 4319.21</td>
<td>Code of conduct addressing employee interactions with students</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 46010.1</td>
<td>AR 5113</td>
<td>Absence for confidential medical services</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 48929, 48980</td>
<td>BP 5116.2</td>
<td>District policy authorizing transfer</td>
</tr>
</tbody>
</table>
# PARENTAL NOTIFICATIONS

I. Annually (continued)

<table>
<thead>
<tr>
<th>Education or When to Notify</th>
<th>Board Policy/ Other Legal Code</th>
<th>Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 48980</td>
<td>BP 6111</td>
<td>Schedule of minimum days and student-free staff development days</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 48980, 231.5; 5 CCR 4917</td>
<td>AR 5145.7</td>
<td>Copy of sexual harassment policy as related to students</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 48980, 32255-32255.6</td>
<td>AR 5145.8</td>
<td>Right to refrain from harmful or destructive use of animals</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361</td>
<td>BP 5111.1</td>
<td>All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process</td>
</tr>
<tr>
<td>Beginning of each school year, if Board allows such absence</td>
<td>Education Code 48980, 46014</td>
<td>AR 5113</td>
<td>Absence for religious exercises or purposes</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 48980, 48205</td>
<td>AR 5113 BP 6154</td>
<td>Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 48980, 48206.3, 48207, 48208</td>
<td>AR 6183</td>
<td>Availability of home/hospital instruction for students with temporary disabilities</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 48980, 49403</td>
<td>BP 5141.31</td>
<td>School immunization program</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 48980, 49423, 49480</td>
<td>AR 5141.21</td>
<td>Administration of prescribed medication</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 48980, 49451; 20 USC 1232h</td>
<td>AR 5141.3</td>
<td>Right to refuse consent to physical examination</td>
</tr>
</tbody>
</table>
# PARENTAL NOTIFICATIONS

<table>
<thead>
<tr>
<th>Education or Board Policy/ Other Legal Code</th>
<th>Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Annually (continued)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Beginning of each school year</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education Code 48980, 49471, 49472</td>
<td>BP 5143</td>
<td>Availability of insurance</td>
</tr>
<tr>
<td>Education Code 49013; 5 CCR 4622</td>
<td>AR 1312.3</td>
<td>Uniform complaint procedures, available appeals, civil law remedies</td>
</tr>
<tr>
<td>Education Code 49063</td>
<td>AR 5125</td>
<td>Challenge, review, and expunging of records</td>
</tr>
<tr>
<td>Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7</td>
<td>AR 5125</td>
<td>Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability</td>
</tr>
<tr>
<td>Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37</td>
<td>AR 5125.1</td>
<td>Release of directory information</td>
</tr>
<tr>
<td>Education Code 49428</td>
<td>None</td>
<td>How to access mental health services at school and/or in community</td>
</tr>
<tr>
<td><strong>Beginning of each school year and at least one more time during school year using specified methods</strong></td>
<td>Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5</td>
<td>AR 3553</td>
</tr>
<tr>
<td><strong>Beginning of each school year</strong></td>
<td>Education Code 51513; 20 USC 1232h</td>
<td>AR 5022</td>
</tr>
</tbody>
</table>
## PARENTAL NOTIFICATIONS

<table>
<thead>
<tr>
<th>Education or When to Notify</th>
<th>Board Policy/ Other Legal Code</th>
<th>Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Annually (continued)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 56301</td>
<td>BP 6164.4</td>
<td>Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Education Code 58501, 48980</td>
<td>AR 6181</td>
<td>Alternative schools</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>Health and Safety Code 104855</td>
<td>AR 5141.6</td>
<td>Availability of dental fluoride treatment; opportunity to accept or deny treatment</td>
</tr>
<tr>
<td>Annually</td>
<td>5 CCR 852; Education Code 60615</td>
<td>AR 6162.51</td>
<td>Student's participation in state assessments; option to request exemption from testing</td>
</tr>
<tr>
<td>Beginning of each school year, if district receives Title I funds</td>
<td>20 USC 6312; 34 CFR 200.48</td>
<td>BP 4112.2 AR 4222</td>
<td>Right to request information re: professional qualifications of child's teacher and paraprofessional</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>34 CFR 104.8, 106.9</td>
<td>BP 0410 AR 6178</td>
<td>Nondiscrimination</td>
</tr>
<tr>
<td>Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals</td>
<td>40 CFR 763.84, 763.93</td>
<td>AR 3514</td>
<td>Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress</td>
</tr>
<tr>
<td>Beginning of each school year</td>
<td>USDA SP-23-2017</td>
<td>AR 3551</td>
<td>District policy on meal payments</td>
</tr>
</tbody>
</table>

II. At Specific Times During the Student's Academic Career

<table>
<thead>
<tr>
<th>Education or When to Notify</th>
<th>Board Policy/ Other Legal Code</th>
<th>Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning in grade 7, at least once prior to course selection and career counseling</td>
<td>Education Code 221.5, 48980</td>
<td>BP 6164.2</td>
<td>Course selection and career counseling</td>
</tr>
<tr>
<td>Upon a student's enrollment</td>
<td>Education Code 310</td>
<td>BP 6142.2 AR 6174</td>
<td>Information on the district's language acquisition programs</td>
</tr>
</tbody>
</table>
## PARENTAL NOTIFICATIONS

<table>
<thead>
<tr>
<th>Education or Other Legal Code</th>
<th>Board Policy/ Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Annually (continued)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When child first enrolls in a public school, if school offers a fingerprinting program</td>
<td>Education Code 32390, 48980</td>
<td>AR 5142.1</td>
</tr>
<tr>
<td>When participating in driver training courses under the jurisdiction of the district</td>
<td>Education Code 35211</td>
<td>None</td>
</tr>
<tr>
<td>Upon registration in K-6, if students have not previously been transported</td>
<td>Education Code 39831.5</td>
<td>AR 3543</td>
</tr>
<tr>
<td>Beginning of each school year for high school students, if high school is open campus</td>
<td>Education Code 44808.5, 48980</td>
<td>BP 5112.5</td>
</tr>
<tr>
<td>Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement</td>
<td>Education Code 48980, 51225.3</td>
<td>AR 6146.1</td>
</tr>
<tr>
<td>Upon a student's enrollment</td>
<td>Education Code 49063</td>
<td>AR 5125</td>
</tr>
<tr>
<td>When students enter grade 7</td>
<td>Education Code 49452.7</td>
<td>AR 5141.3</td>
</tr>
<tr>
<td>When in kindergarten, or first grade if not previously enrolled in public school</td>
<td>Education Code 49452.8</td>
<td>AR 5141.32</td>
</tr>
<tr>
<td>Beginning of each school year for students in grades 9-12</td>
<td>Education Code 51229, 48980</td>
<td>AR 6143</td>
</tr>
</tbody>
</table>
# PARENTAL NOTIFICATIONS

<table>
<thead>
<tr>
<th>Education or Other Legal Code</th>
<th>Board Policy/ Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>When to Notify</td>
<td></td>
<td></td>
</tr>
<tr>
<td>II. At Specific Times During the Student's Academic Career (continued)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year</td>
<td>Education Code 51938, 48980</td>
<td>AR 6142.1</td>
</tr>
<tr>
<td>Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year</td>
<td>Education Code 60641; 5 CCR 863</td>
<td>AR 6162.51</td>
</tr>
<tr>
<td>By October 15 for students in grade 12</td>
<td>Education Code 69432.9</td>
<td>AR 5121</td>
</tr>
<tr>
<td>When child is enrolled or reenrolled in a licensed child care center or preschool</td>
<td>Health and Safety Code 1596.7996</td>
<td>AR 5148</td>
</tr>
<tr>
<td>When child is enrolled in kindergarten</td>
<td>Health and Safety Code 124100, 124105</td>
<td>AR 5141.32</td>
</tr>
<tr>
<td>To students in grades 11-12, early enough to enable registration for fall test</td>
<td>5 CCR 11523</td>
<td>AR 6146.2</td>
</tr>
<tr>
<td>To secondary students, if district receives Title I funds</td>
<td>20 USC 7908</td>
<td>AR 5125.1</td>
</tr>
</tbody>
</table>

III. When Special Circumstances Occur

<table>
<thead>
<tr>
<th>Civil Code</th>
<th>BP 3580</th>
<th>Types of records affected, date of breach, description of incident, contact information for credit reporting agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>1798.29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1798.29</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## PARENTAL NOTIFICATIONS

<table>
<thead>
<tr>
<th>Education or Board Policy/ Other Legal Code</th>
<th>Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>When to Notify</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notify</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### II. At Specific Times During the Student's Academic Career (continued)

- **Upon receipt of a complaint alleging discrimination**
  - Education Code 262.3
  - AR 1312.3
  - Civil law remedies available to complainants

- **When determining whether an English learner should be reclassified as fluent English proficient**
  - Education Code 313; 5 CCR 11303
  - AR 6174
  - Description of reclassification process, opportunity for parent/guardian to participate

- **When student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year**
  - Education Code 313.2, 440; 20 USC 6312
  - AR 6174
  - Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program

- **When homeless or foster youth applies for enrollment in before/after school program**
  - Education Code 8483
  - AR 5148.2
  - Right to priority enrollment; how to request priority enrollment

- **Before high school student attends specialized secondary program on a university campus**
  - Education Code 17288
  - None
  - University campus buildings may not meet Education Code requirements for structural safety

- **At least 72 hours before use of pesticide product not included in annual list**
  - Education Code 17612
  - AR 3514.2
  - Intended use of pesticide product

- **To members of athletic teams**
  - Education Code 32221.5
  - AR 5143
  - Offer of insurance; no-cost and low-cost program options

- **Annually to parents/guardians of student athletes before they participate in competition**
  - Education Code 33479.3
  - AR 6145.2
  - Information on sudden cardiac arrest

- **If school has lost its WASC accreditation status**
  - Education Code 35178.4
  - BP 6190
  - Loss of status, potential consequences

- **When district has contracted for electronic products or services that disseminate advertising**
  - Education Code 35182.5
  - BP 3312
  - Advertising will be used in the classroom or learning center
### PARENTAL NOTIFICATIONS

<table>
<thead>
<tr>
<th>Education or Other Legal Code</th>
<th>Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>When to Notify</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When Special Circumstances Occur (continued)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>III. When Special Circumstances Occur (continued)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At least six months before implementing uniform policy</td>
<td>Education Code 35183</td>
<td>AR 5132</td>
</tr>
<tr>
<td>Before implementing a year-round schedule</td>
<td>Education Code 37616</td>
<td>BP 6117</td>
</tr>
<tr>
<td>When interdistrict transfer is requested and not approved or denied within 30 days</td>
<td>Education Code 46601</td>
<td>AR 5117</td>
</tr>
<tr>
<td>Before early entry to kindergarten, if offered</td>
<td>Education Code 48000</td>
<td>AR 5111</td>
</tr>
<tr>
<td>When student identified as being at risk of retention</td>
<td>Education Code 48070.5</td>
<td>AR 5123</td>
</tr>
<tr>
<td>When student excluded due to quarantine, contagious or infectious disease, danger to safety or health</td>
<td>Education Code 48213</td>
<td>AR 5112.2 BP 5141.33</td>
</tr>
<tr>
<td>Before already admitted student is excluded for lack of immunization</td>
<td>Education Code 48216; 17 CCR 6040</td>
<td>AR 5141.31</td>
</tr>
<tr>
<td>When a student is classified as truant</td>
<td>Education Code 48260.5, 48262</td>
<td>AR 5113.1</td>
</tr>
<tr>
<td>When a truant is referred to a SARB or probation department</td>
<td>Education Code 48263</td>
<td>AR 5113.1</td>
</tr>
<tr>
<td>When student requests to voluntarily transfer to continuation school</td>
<td>Education Code 48432.3</td>
<td>AR 6184</td>
</tr>
<tr>
<td>Prior to involuntary transfer to continuation school</td>
<td>Education Code 48432.5</td>
<td>AR 6184</td>
</tr>
</tbody>
</table>
## PARENTAL NOTIFICATIONS

<table>
<thead>
<tr>
<th>Education or Board Policy/ Other Legal Code</th>
<th>Administrative Regulation #</th>
<th>Subject</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>When to Notify</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>III. When Special Circumstances Occur</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(continued)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To person holding educational rights, prior to recommending placement of foster youth outside school of origin</td>
<td>Education Code 48853.5</td>
<td>AR 6173.1</td>
<td>Basis for the placement recommendation</td>
</tr>
<tr>
<td>When student is removed from class and teacher requires parental attendance at school</td>
<td>Education Code 48900.1</td>
<td>AR 5144.4</td>
<td>Parental attendance required; timeline for attendance</td>
</tr>
<tr>
<td>Prior to withholding grades, diplomas, or transcripts</td>
<td>Education Code 48904</td>
<td>AR 5125.2</td>
<td>Damaged school property</td>
</tr>
<tr>
<td>When withholding grades, diplomas or transcripts from transferring student</td>
<td>Education Code 48904.3</td>
<td>AR 5125.2</td>
<td>Next school will continue withholding grades, diplomas, or transcripts</td>
</tr>
<tr>
<td>When student is released to peace officer</td>
<td>Education Code 48906</td>
<td>BP 5145.11</td>
<td>Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse</td>
</tr>
<tr>
<td>At time of suspension</td>
<td>Education Code 48911</td>
<td>BP 5144.1</td>
<td>Notice of suspension</td>
</tr>
<tr>
<td>When original period of suspension is extended</td>
<td>Education Code 48911</td>
<td>AR 5144.1</td>
<td>Extension of suspension</td>
</tr>
<tr>
<td>At the time a student is assigned to a supervised suspension classroom</td>
<td>Education Code 48911.1</td>
<td>AR 5144.1</td>
<td>The student's assignment to a supervised suspension classroom</td>
</tr>
<tr>
<td>Before holding a closed session re: suspension</td>
<td>Education Code 48912</td>
<td>AR 5144.1</td>
<td>Intent to hold a closed session re: suspension</td>
</tr>
<tr>
<td>When student expelled from another district for certain acts seeks admission</td>
<td>Education Code 48915.1, 48918</td>
<td>BP 5119</td>
<td>Hearing re: possible danger presented by expelled student</td>
</tr>
<tr>
<td>When readmission is denied</td>
<td>Education Code 48916</td>
<td>AR 5144.1</td>
<td>Reasons for denial; determination of assigned program</td>
</tr>
<tr>
<td>III. When Special Circumstances Occur (continued)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>----------------</td>
<td>----------------</td>
<td>----------------</td>
</tr>
<tr>
<td>When expulsion occurs</td>
<td>Education Code 48916</td>
<td>AR 5144.1</td>
<td>Readmission procedures</td>
</tr>
<tr>
<td>At least 10 calendar days before expulsion hearing</td>
<td>Education Code 48918</td>
<td>AR 5144.1</td>
<td>Notice of expulsion hearing</td>
</tr>
<tr>
<td>When expulsion or suspension of expulsion occurs</td>
<td>Education Code 48918</td>
<td>AR 5144.1</td>
<td>Decision to expel; right to appeal to county board; obligation to inform new district of status</td>
</tr>
<tr>
<td>Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school</td>
<td>Education Code 48929, 48980</td>
<td>BP 5116.2</td>
<td>Right to request a meeting with principal or designee</td>
</tr>
<tr>
<td>One month before the scheduled minimum day</td>
<td>Education Code 48980</td>
<td>BP 6111</td>
<td>When minimum days are scheduled after beginning of the school year</td>
</tr>
<tr>
<td>When parents/guardians request guidelines for filing complaint of child abuse at a school site</td>
<td>Education Code 48987</td>
<td>AR 5141.4</td>
<td>Guidelines for filing complaint of child abuse at a school site with local child protective agencies</td>
</tr>
<tr>
<td>When student in danger of failing a course</td>
<td>Education Code 49067</td>
<td>AR 5121</td>
<td>Student in danger of failing a course</td>
</tr>
<tr>
<td>When student transfers from another district or private school</td>
<td>Education Code 49068</td>
<td>AR 5125</td>
<td>Right to receive copy of student's record and to challenge its content</td>
</tr>
<tr>
<td>When parent/guardian's challenge of student record is denied and parent/guardian appeals</td>
<td>Education Code 49070</td>
<td>AR 5125.3</td>
<td>If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection</td>
</tr>
<tr>
<td>When district is considering program to gather safety-related information from students' social media activity</td>
<td>Education Code 49073.6</td>
<td>BP 5125</td>
<td>Opportunity for input on proposed program</td>
</tr>
<tr>
<td>When district adopts program to gather information from students' social media activity, and annually thereafter</td>
<td>Education Code 49073.6</td>
<td>AR 5125</td>
<td>Information is being gathered, access to records, process for removal or corrections, destruction of records</td>
</tr>
</tbody>
</table>
### PARENTAL NOTIFICATIONS

<table>
<thead>
<tr>
<th>Education or Board Policy/ Other Legal Code</th>
<th>Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
</table>

#### III. When Special Circumstances Occur (continued)

<table>
<thead>
<tr>
<th>Event Description</th>
<th>Code Details</th>
<th>Reason/Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within 24 hours of release of information to a judge or probation officer</td>
<td>Education Code AR 49076</td>
<td>Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition.</td>
</tr>
<tr>
<td>Before release of information pursuant to court order or subpoena</td>
<td>Education Code AR 49077</td>
<td>Release of information pursuant to court order or subpoena.</td>
</tr>
<tr>
<td>When screening results in suspicion that student has scoliosis</td>
<td>Education Code AR 49452.5</td>
<td>Scoliosis screening.</td>
</tr>
<tr>
<td>When test results in discovery of visual or hearing defects</td>
<td>Education Code AR 49456; 17 CCR 2951</td>
<td>Vision or hearing test results.</td>
</tr>
<tr>
<td>Within 10 days of negative balance in meal account</td>
<td>Education Code AR 49557.5</td>
<td>Negative balance in meal account; encouragement to apply for free or reduced-price meals.</td>
</tr>
<tr>
<td>Annually to parents/guardians of student athletes before their first practice or competition</td>
<td>Education Code AR 49475</td>
<td>Information on concussions and head injuries.</td>
</tr>
<tr>
<td>Within 30 days of foster youth, homeless youth, former juvenile court school student, child of military family, or migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12</td>
<td>Education Code AR 51225.1</td>
<td>Exemption from local graduation requirements, effect on college admission, option for fifth year of high school.</td>
</tr>
<tr>
<td>Before any test/survey questioning personal beliefs</td>
<td>Education Code AR 51513</td>
<td>Permission for test, survey questioning personal beliefs.</td>
</tr>
<tr>
<td>At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year</td>
<td>Education Code AR 51938</td>
<td>Instruction in HIV prevention or sexual health by guest speaker or outside consultant.</td>
</tr>
</tbody>
</table>
### PARENTAL NOTIFICATIONS

<table>
<thead>
<tr>
<th>Education or When to Notify</th>
<th>Board Policy/Other Legal Code</th>
<th>Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>III. When Special Circumstances Occur (continued)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior to administering survey regarding health risks and behaviors to students in 7-12</td>
<td>Education Code 51938</td>
<td>AR 5022</td>
<td>Notice that the survey will be administered</td>
</tr>
<tr>
<td>Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency</td>
<td>Education Code 52164.1, 52164.3; 5 CCR 11511.5</td>
<td>AR 6174</td>
<td>Results of state test of English proficiency</td>
</tr>
<tr>
<td>When migrant education program is established</td>
<td>Education Code 54444.2</td>
<td>BP 6175</td>
<td>Parent advisory council membership composition</td>
</tr>
<tr>
<td>When child participates in licensed child care and development program</td>
<td>Health and Safety Code 1596.857</td>
<td>AR 5148</td>
<td>Parent/guardian right to enter facility</td>
</tr>
<tr>
<td>When district receives Tobacco-Use Prevention Education Funds</td>
<td>Health and Safety Code 104420</td>
<td>AR 3513.3</td>
<td>The district's tobacco-free schools policy and enforcement procedures</td>
</tr>
<tr>
<td>When testing by community water system finds presence of lead exceeding specified level</td>
<td>Health and Safety Code 116277</td>
<td>AR 3514</td>
<td>Elevated lead level at school</td>
</tr>
<tr>
<td>When sharing student immunization information with an immunization system</td>
<td>Health and Safety Code 120440</td>
<td>AR 5125</td>
<td>Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share</td>
</tr>
<tr>
<td>At least 14 days prior to sex offender coming on campus as volunteer</td>
<td>Penal Code 626.81</td>
<td>AR 1240, BP 1250</td>
<td>Dates and times permission granted; obtaining information from law enforcement</td>
</tr>
<tr>
<td>When hearing is requested by person asked to leave school premises</td>
<td>Penal Code 627.5</td>
<td>AR 3515.2</td>
<td>Notice of hearing</td>
</tr>
<tr>
<td>When responding to complaint re: discrimination, special education, or noncompliance with law</td>
<td>5 CCR 4631</td>
<td>AR 1312.3</td>
<td>Findings, disposition of complaint, any corrective actions, appeal rights and procedures</td>
</tr>
</tbody>
</table>
### PARENTAL NOTIFICATIONS

<table>
<thead>
<tr>
<th>Education or When to Notify</th>
<th>Board Policy/Other Legal Code</th>
<th>Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>III. When Special Circumstances Occur (continued)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>When child participates in licensed child care and development program</td>
<td>5 CCR 18066, AR 5148</td>
<td>Policies re: excused and unexcused absences</td>
<td></td>
</tr>
<tr>
<td>Within 30 days of application for subsidized child care or preschool services</td>
<td>5 CCR 18094, 18118, AR 5148, 18118</td>
<td>Approval or denial of services</td>
<td></td>
</tr>
<tr>
<td>Upon recertification or update of application for child care or preschool services</td>
<td>5 CCR 18095, 18119, AR 5148</td>
<td>Any change in service, such as in fees, amount of service, termination of service</td>
<td></td>
</tr>
<tr>
<td>Upon child's enrollment in child care program</td>
<td>5 CCR 18114, AR 5148</td>
<td>Policy on fee collection</td>
<td></td>
</tr>
<tr>
<td>When payment of child care fees is seven days late</td>
<td>5 CCR 18114, AR 5148</td>
<td>Notice of delinquent fees</td>
<td></td>
</tr>
<tr>
<td>When district substantively changes policy on student privacy rights</td>
<td>20 USC 1232h, AR 5022</td>
<td>Notice of any substantive change in policy or regulation</td>
<td></td>
</tr>
<tr>
<td>For districts receiving Title I funds, when child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught</td>
<td>20 USC 6312, AR 4112.2</td>
<td>Timely notice to parent/guardian of child’s assignment</td>
<td></td>
</tr>
<tr>
<td>For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners</td>
<td>20 USC 6312, AR 6174</td>
<td>Reasons for placement, level of proficiency, instructional methods, how program meets child’s strengths and teaches English, exit requirements, right to choose other program</td>
<td></td>
</tr>
<tr>
<td>For schools receiving Title I funds, upon development of parent involvement policy</td>
<td>20 USC 6318, AR 6020</td>
<td>Notice of policy</td>
<td></td>
</tr>
<tr>
<td>When household is selected for verification of eligibility for free or reduced-price meals</td>
<td>42 USC 1758; 7 CFR 245.6a</td>
<td>Need to submit verification information; any subsequent change in benefits; appeals</td>
<td></td>
</tr>
</tbody>
</table>

E 5145.6(m)
### PARENTAL NOTIFICATIONS

<table>
<thead>
<tr>
<th>Education or Board Policy/ Other Legal Code</th>
<th>Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>III. When Special Circumstances Occur</strong>  (continued)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When student is homeless or unaccompanied minor</td>
<td>42 USC 11432; Education Code 48852.5</td>
<td>AR 6173</td>
</tr>
<tr>
<td>When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30</td>
<td>34 CFR 99.34</td>
<td>AR 5125</td>
</tr>
<tr>
<td>When district receives federal funding assistance for nutrition program</td>
<td>USDA FNS Instruction 113-1</td>
<td>BP 3555</td>
</tr>
<tr>
<td><strong>IV. Special Education Notices</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior to conducting initial evaluation</td>
<td>Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503</td>
<td>BP 6159.1, AR 6159.1</td>
</tr>
<tr>
<td>Before functional behavioral assessment begins</td>
<td>Education Code 56321</td>
<td>AR 6159.4</td>
</tr>
<tr>
<td>24 hours before IEP when district intending to record</td>
<td>Education Code 56341.1</td>
<td>AR 6159</td>
</tr>
<tr>
<td>Early enough to ensure opportunity for parent/guardian to attend IEP meeting</td>
<td>Education Code 56341.5; 34 CFR 300.322</td>
<td>AR 6159</td>
</tr>
<tr>
<td>When parent/guardian orally requests review of IEP</td>
<td>Education Code 56343.5</td>
<td>AR 6159</td>
</tr>
<tr>
<td>Within one school day of emergency intervention or serious property damage</td>
<td>Education Code 56521.1</td>
<td>AR 6159.4</td>
</tr>
<tr>
<td>Education or Board Policy/Other Legal Administrative Code</td>
<td>Regulation #</td>
<td>Subject</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>--------------</td>
<td>---------</td>
</tr>
<tr>
<td><strong>IV. Special Education Notices</strong> (continued)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services</td>
<td>20 USC 1415(c); 34 CFR 300.300, 300.503</td>
<td>AR 6159</td>
</tr>
<tr>
<td></td>
<td>AR 6159.1</td>
<td></td>
</tr>
<tr>
<td>Upon filing of state complaint</td>
<td>20 USC 1415(d); 34 CFR 300.504</td>
<td>AR 6159.1</td>
</tr>
<tr>
<td>When disciplinary measures are taken or change in placement</td>
<td>20 USC 1415(k); 34 CFR 300.530</td>
<td>AR 5144.2</td>
</tr>
<tr>
<td>Upon requesting a due process hearing</td>
<td>20 USC 1415(k); 34 CFR 300.508</td>
<td>AR 6159.1</td>
</tr>
<tr>
<td>Eligibility for services under Section 504</td>
<td>34 CFR 104.32, 104.36</td>
<td>AR 6164.6</td>
</tr>
</tbody>
</table>

**V. Classroom Notices**

| In each classroom in each school                          | Education Code 8235.5, 35186 | AR 1312.4 | Complaints subject to Williams uniform complaint procedures |

**Exhibit version:**

CSBA MANUAL MAINTENANCE SERVICE

March 2019
Ventura 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. Date of birth
6. Major field of study
7. Participation in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

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 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)
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)

Regulation — VENTURA UNIFIED SCHOOL DISTRICT approved: June 26, 2012 — Ventura, California
**Ventura USD**

**Administrative Regulation**

**Students**

AR 5125.1(a)

**RELEASE OF DIRECTORY INFORMATION**

**Definition**

*Directory information* means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (Education Code 49061; 20 USC 1232g; 34 CFR 99.3)

1. Name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Major field of study
7. Participation record in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. 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, for purposes of accessing or communicating in electronic systems, directory information may include a student identification number, user identification, or other personal identifier used by the student 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)
Directory information also does not include a student's citizenship status, immigration status, place of birth, or any other information indicating national origin.

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 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, how to refuse release, 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; 20 USC 1232g; 34 CFR 99.37)

(cf. 5125 - Student Records)
(cf. 5145.6 - Parental Notifications)

In addition, the annual parental notification shall include a statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin and that the district will not release such information without parental consent or a court order.

(cf. 5145.13 - Response to Immigration Enforcement)

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

No directory information of a student identified as a homeless child or youth as defined in 42 USC 11434a shall be released, unless the parent/guardian, or the student if he/she is 18 years or older, has provided written consent that directory information may be released. For any other student, directory information shall not be released if his/her 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, 7908)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

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)
The Governing Board recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with Board policy and administrative regulation.

(cf. 1112—Media Relations)

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on his/her determination of the best interests of district students. (Education Code 49073)

Colleges and prospective employers, including military recruiters, shall have access to directory information. Military recruiters shall have access to a student's name, address, and telephone number, unless the parent/guardian has specified that the information not be released in accordance with law and administrative regulation. (20 USC 7908; 10 USC 503; Education Code 49603)

(cf. 6164.2—Guidance/Counseling Services)

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and prospective employers, in accordance with Board policy. Private schools and colleges may be given the names and addresses of 12th-grade students and students who are no longer enrolled provided that they use this information only for purposes directly related to the institution's academic or professional goals. (Education Code 49073)

(cf. 1113—District and School Web Sites)

Legal Reference:
EDUCATION CODE
49061—Definitions
49063—Notification of parents of their rights
49073—Release of directory information
49073.5—Directory information; military representatives; telephone numbers
49603—Public high schools; military recruiting
UNITED STATES CODE, TITLE 10
503—Military recruiter access to directory information
UNITED STATES CODE, TITLE 20
1232g—Family Educational Rights and Privacy Act
7908—Armed forces recruiter access to students and student recruiting information
CODE OF FEDERAL REGULATIONS, TITLE 34

Management Resources:
U.S. DEPARTMENT OF EDUCATION GUIDANCE
Access to High School Students and Information on Students by Military Recruiters, 2002
WEB SITES
U.S. Department of Education, Family Policy Compliance Office:

Policy—VENTURA UNIFIED SCHOOL DISTRICT
adopted: November 22, 2005 Ventura, California
RELEASE OF DIRECTORY INFORMATION

The Governing Board recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with Board policy and administrative regulation.

(cf. 1112 - Media Relations)

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on his/her determination of the best interests of district students. (Education Code 49073)

Colleges and prospective employers, including military recruiters, shall have access to directory information. Military recruiters shall have access to a student's name, address, and telephone number, unless the parent/guardian has specified that the information not be released in accordance with law and administrative regulation. (20 USC 7908; 10 USC 503; Education Code 49603)

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and prospective employers, in accordance with Board policy. Private schools and colleges may be given the names and addresses of 12th-grade students and students who are no longer enrolled provided that they use this information only for purposes directly related to the institution's academic or professional goals. (Education Code 49073)

(cf. 1113 - District and School Web Sites)

Legal Reference: (see next page)
RELEASE OF DIRECTORY INFORMATION (continued)

Legal Reference:

EDUCATION CODE
234.7 Student protections relating to immigration and citizenship status
49061 Definitions
49063 Notification of parents of their rights
49073 Release of directory information
49073.5 Directory information; military representatives; telephone numbers
49603 Public high schools; military recruiting
UNITED STATES CODE, TITLE 10
503 Military recruiter access to directory information
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
7908 Armed forces recruiter access to students and student recruiting information
UNITED STATES CODE, TITLE 42
11434a McKinney-Vento Homeless Assistance Act; definitions
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy

Management Resources:

CALIFORNIA ATTORNEY GENERAL'S OFFICE PUBLICATIONS
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues, April 2018

U.S. DEPARTMENT OF EDUCATION PUBLICATION
Access to High School Students and Information on Students by Military Recruiters, 2002

WEB SITES
California Attorney General's Office: http://oag.ca.gov
U.S. Department of Education, Family Policy Compliance Office:

Policy adopted: VENTURA UNIFIED SCHOOL DISTRICT Ventura, California
PARENT/GUARDIAN NOTICE
RELEASE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that Ventura- 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 district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school and/or district 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 district to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by November 1st. Your request of non-disclosure will cover your child for their entire enrollment with Ventura Unified School District. The district has designated the following information as directory information:

Ventura USD
Exhibit
Release Of Directory Information

E 5125.1
Students
1. Name
2. Address
3. Telephone number
4. Electronic mail address
5. Date and birth
6. Major field of study
7. Participation in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

Exhibit VENTURA UNIFIED SCHOOL DISTRICT
version: June 26, 2012 Ventura, California
RELEASE OF DIRECTORY INFORMATION

PARENT/GUARDIAN NOTICE
RELEASE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that Ventura 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 district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school and/or district 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
- 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), as amended, to provide military recruiters, upon request, with students' 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 district to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by _____(insert date)[____]. The district has designated the following information as directory information:

1. Name
2. Address
3. Telephone number
RELEASE OF DIRECTORY INFORMATION (continued)

4. Email address
5. Date of birth
6. Major field of study
7. Participation in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

The district also may disclose your child’s student identification number, user identification, or other unique personal identifier used to communicate in electronic systems, provided it cannot be used to access education records without a personal identification number (PIN), password, or other factor that only the authorized user knows. Your child's social security number will not be used for this purpose.

Directory information does not include your child's citizenship status, immigration status, place of birth, or any other information indicating national origin. The district will not disclose such information without your consent or a court order.

Exhibit VENTURA UNIFIED SCHOOL DISTRICT
version: Ventura, California
RESPONSE TO IMMIGRATION ENFORCEMENT

Responding to Requests for Information

Unless authorized by the Family Educational Rights and Privacy Act pursuant to 20 USC 1232g, student information shall not be disclosed to immigration law enforcement authorities without parental consent, a court order, or judicial subpoena. The Superintendent or designee shall annually notify parents/guardians that the district will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena.

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, district staff shall:

1. Notify the Superintendent or designee about the information request
2. Provide students and families with appropriate notice and a description of the immigration officer's request
3. Document any request for information by immigration authorities
4. Provide students and parents/guardians with any documents provided by the immigration enforcement officer, unless such disclosure is prohibited by a subpoena served on the district or in cases involving investigations of child abuse, neglect, or dependency

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

Responding to Requests for Access to Students or School Grounds
RESPONSE TO IMMIGRATION ENFORCEMENT  (continued)

District staff shall receive parent/guardian consent before a student is interviewed or searched by any officer seeking to enforce civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge or a valid, effective court order. A student's parent/guardian shall be immediately notified if a law enforcement officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant or subpoena restricts disclosure to the parent/guardian.

(cf. 5145.12 - Search and Seizure)

All visitors and outsiders, including immigration enforcement officers, shall register with the principal or designee upon entering school grounds during school hours. Each visitor or outsider shall provide the principal or designee with his/her name, address, occupation, age if less than 21, purpose in entering school grounds, proof of identity, and any other information required by law. (Penal Code 627.2, 627.3)

(cf. 1250 - Visitors/Outsiders)

As early as possible, district staff shall notify the Superintendent or designee of any request by an immigration enforcement officer for access to the school or a student or for review of school documents, including service of lawful subpoenas, petitions, complaints, warrants, or other such documents.

In addition, district staff shall take the following actions in response to an officer present on the school campus specifically for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to the officer's request, they must first receive notification and direction from the Superintendent or designee, except under exigent circumstances that necessitate immediate action

2. Request to see the officer's credentials, including his/her name and badge number, and the phone number of the officer's supervisor, and note or make a copy of all such information

3. Ask the officer for his/her reason for being on school grounds and document the response

4. Request that the officer produce any documentation that authorizes his/her school access

5. Make a copy of all documents produced by the officer and retain one copy for school records
RESPONSE TO IMMIGRATION ENFORCEMENT  (continued)

6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, comply with the officer's orders and immediately contact the Superintendent or designee.

7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation, as follows:
   
a. If the officer has an Immigration and Customs Enforcement (ICE) administrative warrant, district staff shall inform the agent that they cannot consent to any request without first consulting with the district's legal counsel or other designated district official.
   
b. If the officer has a federal judicial warrant, such as a search and seizure warrant or an arrest warrant signed by a federal judge or magistrate, district staff shall promptly comply with the warrant. If feasible, district staff shall consult with the district's legal counsel or designated administrator before providing the officer with access to the person or materials specified in the warrant.
   
c. If the officer has a subpoena for production of documents or other evidence, district staff shall inform the district's legal counsel or other designated official of the subpoena and await further instructions as to how to proceed.

8. Do not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, district staff shall document the officer's actions while on campus.

9. After the encounter with the officer, promptly make written notes of all interactions with the officer, including:
   
a. A list or copy of the officer's credentials and contact information
   
b. The identity of all school personnel who communicated with the officer
   
c. Details of the officer's request
   
d. Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant or subpoena, and whether the warrant or subpoena was signed by a judge.
RESPONSE TO IMMIGRATION ENFORCEMENT  (continued)

e. District staff's response to the officer's request
f. Any further action taken by the officer
g. A photo or copy of any documents presented by the officer

10. Provide a copy of these notes and associated documents collected from the officer to
the district's legal counsel or other designated district official

The district's legal counsel or other designated official shall submit a timely report to the
Governing Board regarding the officer's requests and actions and the district's responses.
(Education Code 234.7)

The Superintendent or designee shall also email the Bureau of Children's Justice in the
California Department of Justice (BCJ@doj.ca.gov) regarding any attempt by a law
enforcement officer to access a school site or a student for immigration enforcement
purposes.

Responding to the Detention or Deportation of Student's Family Member

The Superintendent or designee shall encourage students and their families to update their
emergency contact information as needed throughout the school year and to provide
alternative contacts, including an identified trusted adult guardian, in case a student's
parent/guardian is detained or is otherwise unavailable. The Superintendent or designee
shall notify students' families that information provided on the emergency cards will only be
used in response to specific emergency situations and not for any other purpose.

(cf. 5141 - Health Care and Emergencies)

The Superintendent or designee shall also encourage all students and families to learn their
emergency phone numbers and be aware of the location of important documentation,
including birth certificates, passports, social security cards, physicians' contact information,
medication lists, lists of allergies, and other such information that would allow the students
and families to be prepared in the event that a family member is detained or deported.

In the event that a student's parent/guardian is detained or deported by federal immigration
authorities, the Superintendent or designee shall release the student to the person(s)
designated in the student's emergency contact information or to any individual who presents
a caregiver's authorization affidavit on behalf of the student. The Superintendent or
designee shall only contact child protective services if district personnel are unable to
arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.

The Superintendent or designee shall notify a student whose parent/guardian was detained or deported that the student continues to meet the residency requirements for attendance in a district school, provided that the parent/guardian was a resident of California and the student lived in California immediately before he/she moved out of state as a result of the parent/guardian's departure. (Education Code 48204.4)

(cf. 5111.1 - District Residency)

Policy adopted: September 25, 2018
STUDENT AND FAMILY PRIVACY RIGHTS

Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian, or a student who is an adult or emancipated minor, shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following: (Education Code 51513; 20 USC 1232h)

1. Political affiliations or beliefs of the student or his/her parent/guardian
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating, or demeaning behavior
5. Critical appraisals of other individuals with whom the student has close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers
7. Religious practices, affiliations, or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program (cf. 3553 - Free and Reduced Price Meals) (cf. 5148 - Child Care and Development)

If a student participates in such a survey requesting information about personal beliefs and practices, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.8 - Research)

Notwithstanding the above requirements for prior written consent, the district may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided
written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

If the district administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the Superintendent or designee shall not remove such questions. (Education Code 51514)

STUDENT AND FAMILY PRIVACY RIGHTS  (continued)

Parent/Guardian Access to Surveys and Instructional Materials

The parent/guardian of any district student, upon his/her request, shall have the right to inspect:  (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices

2. Any instructional material to be used as part of his/her child's educational curriculum 

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

(cf. 1340 - Access to District Records)

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

Health Examinations

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian, unless an applicable state law authorizes the student to provide consent without parent/guardian notification. (20 USC 1232h)

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

(cf. 5131.61 - Drug Testing)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.3 - Health Examinations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)

Notifications

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

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

1. The district's policy regarding student privacy

2. The process to opt their children out of participation in any activity described in this administrative regulation and the accompanying Board policy

3. The specific or approximate dates during the school year when the following activities are scheduled:
   a. Survey requesting personal information
   b. Physical examinations or screenings

Prior to administering any anonymous and voluntary survey regarding health risks and behaviors to students in grades 7-12, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)

Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)
(cf. 5145.13 – Response to Immigration Enforcement)
Ventura USD
Administrative Regulation
Student And Family Privacy Rights

AR 5022
Students

Definition

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

Surveys Requesting Information about Beliefs and Practices

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

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

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

(cf. 6162.51 – Standardized Testing and Reporting Program)
(cf. 6162.8 – Research)
Notwithstanding the above requirements, the district may administer to students in grades 7-12, anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about the student’s attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request that their child not participate. (Education Code 51938)

Exceptions to Collection of Personal Information

Any district restriction regarding collection of personal information shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment

2. Book clubs, magazines, and programs providing access to low-cost literary products

3. Curriculum and instructional materials used by elementary and secondary schools

4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

5. The sale by students of products or services to raise funds for school-related or education-related activities

(cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

Parent/Guardian Access to Surveys and Instructional Materials

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

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

(cf. 5020 - Parent Rights and Responsibilities)
Within a reasonable period of time of receiving a request, the principal or designee shall permit a parent/guardian to view a survey, instrument or instructional material. A parent/guardian may view the document any time during normal business hours.

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

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

Health Examinations

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

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

(cf. 5131.61 – Drug Testing)
(cf. 5141.3 – Health Examinations)

Notifications

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

1. The district’s policy regarding student privacy

2. The process to opt their children out of participation in any activity described in this policy and administrative regulation

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

Prior to administering anonymous and voluntary surveys regarding health risks and behaviors to students in grades 7-12, the district shall provide parents/guardians with written notice that the survey is to be administered. (Education Code 51938)
Parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6—Parental Notifications)

Regulation—VENTURA UNIFIED SCHOOL DISTRICT
Adopted: November 1, 2005 Ventura, California
STUDENT AND FAMILY PRIVACY RIGHTS

The Governing Board respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5021 - Noncustodial Parents)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 6162.8 - Research)

The Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC 1232h)

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)

5. The sale by students of products or services to raise funds for school-related or education-related activities

(cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

The Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including his/her name, parent/guardian's name, home
or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC 1232h)

STUDENT AND FAMILY PRIVACY RIGHTS (continued)

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose

2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families

3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:
   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. Any nonemergency physical examinations or screenings that the school may administer

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committee)
(cf. 1230 - School-Connected Organizations)

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)
(cf. 5145.13 – Response to Immigration Enforcement)

Legal Reference: (see next page)
STUDENT AND FAMILY PRIVACY RIGHTS (continued)

Legal Reference:

EDUCATION CODE
234.7 Student protections relating to immigration and citizenship status
49076.7 Privacy of student records; social security numbers
49450-49458 Physical examinations
49602 Confidentiality of personal information received during counseling
51101 Parents Rights Act of 2002
51513 Test, questionnaire, survey, or examination concerning personal beliefs
51514 Nonremoval of survey questions pertaining to sexual orientation or gender identity
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
California Department of Education: http://www.cde.ca.gov

Policy adopted: VENTURA UNIFIED SCHOOL DISTRICT
Ventura, California
Ventura USD
Board Policy
Student And Family Privacy Rights

BP 5022
Students

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

(cf. 0000 – Vision)
(cf. 0100 – Philosophy)
(cf. 0200 – Goals for the School District)
(cf. 5020 – Parent Rights and Responsibilities
(cf. 5021 – Nonecustodial Parents)
(cf. 5125 – Student Records)
(cf. 5125.1 – Release of Directory Information)
(cf. 6000 – Concepts and Roles)
(cf. 6162.8 – Research)

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

Collection of Personal Information for Marketing Purposes

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

Legal Reference:
EDUCATION CODE
49450-49457 Physical examinations
49602 Confidentiality of pupil information
51101 Parents’ Rights Act of 2002
51513 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
Policy VENTURA UNIFIED SCHOOL DISTRICT
Adopted: November 1, 2005 Ventura, California
Ventura 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 (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district or required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. 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 employee

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 or 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. (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 member
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, or 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.

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced to him/her by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require him/her to have access to student records.

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)

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

Persons Granted Access

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

1. Parents/guardians of students younger than age 18 years, 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 99.5)

3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

(cf. 6159—Individualized Education Program)

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:

1. Parents/guardians of a student age 18 or older who is a dependent—child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)

2. Students who are age 16 or older or who have completed the 10th grade (Education Code-
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) who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by SARB to provide follow-up services to a referred student (Education Code 49076)

(cf. 5113.1—Chronic Absentee and Truancy)

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)

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 the parent/guardian or adult student an opportunity for a hearing to challenge the record (34 CFR 99.34)

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 county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #6 above (Education Code 49076)

8. 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)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, 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; 5 CCR 435; 34 CFR 99.31)

9. 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)
10. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

11. 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 evidentiary rules specified in Welfare and Institutions Code 701—(Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records 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)

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

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

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 developed and maintained by the district (Education Code 49069.3)

(cf. 6173.1—Education for Foster Youth)

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)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #11 above. (Education Code 49076)

15. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals—(Education Code 49076.5; 34 CFR 99.1-99.67)
In such cases, 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. (Education Code 49076.5)

At his/her discretion, 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 a student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

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:
   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.
   e. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.

4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31–99.34)

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. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by the district, excluding volunteers or other parties (Education Code 49076)
7. 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 is 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)

8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the provisions of 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.31, 99.37)

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

Persons, agencies, or organizations not afforded access rights pursuant to 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 consent 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 be responsible for the security of student records and shall ensure that access is limited to authorized persons. (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 written, signed, and dated 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 district’s consent form 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 or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

Access Log

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

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

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)

(cf. 3260—Fees and Charges)

Changes to Student Records

Only or a parent/guardian having legal custody of a 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)

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)

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)

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

6. Subjects taken during each year, half year, summer session, 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 after the school year in which they originated, 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 therefor

(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 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 and/or 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

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's 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 district, 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 within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

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 forward 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 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
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. 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 have 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.
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 (in handwriting, print, tape, film, computer, or other medium) 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 the employee's 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. 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; 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 employee

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

(cf. 3515 - Campus Security)
(cf. 3515.3 - District Police/Safety Department)

4. Records created or received by the district after an individual is no longer a student 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
STUDENT RECORDS (continued)

*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 specified 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)

*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. (34 CFR 99.3)

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

*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
STUDENT RECORDS (continued)

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)

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose official duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require access to information contained in student records.

School officials and employees are officials or employees, including teachers, whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require access to student records. (34 CFR 99.31)

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)

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

Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

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

2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to the student's records and grant consent for the release of records (34 CFR 99.3, 99.5)
STUDENT RECORDS (continued)

3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

(cf. 6159 - Individualized Education Program)

Access for Limited Purpose/Legitimate Educational Interest

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:

1. Parents/guardians of a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)

2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076)

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) appointed pursuant to Education Code 48321 who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5113.12 - District School Attendance Review Board)

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. The Student Aid Commission, to provide the grade point average (GPA) of all district students in grade 12 and, when required, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

No later than January 1 each year, the Superintendent or designee shall notify each student in grade 11, and the student's parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission by October 1 unless the student opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

7. Federal, state, and local officials, as needed for an audit or evaluation of, or compliance with, 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)

8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)

9. 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)

10. 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)

11. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)
12. Any probation officer, district attorney, or counsel of record for a student who is a minor for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

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

14. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the district (Education Code 49069.3)

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

(cf. 6173.1 - Education for Foster Youth)

15. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

(cf. 6173 - Education for Homeless Children)

16. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility in accordance with state or tribal law for the care and protection of a student, provided that the individual is authorized by the agency or organization to receive the records and the information requested is AR 5125(f)
STUDENT RECORDS (continued)

   directly related to providing assistance to address the student's educational needs
   (Education Code 49076; 20 USC 1232(g))

18. 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)

   When disclosing such records, the Superintendent or designee shall obtain written
   certification by the recipient of the records as described in item #12 above. (Education Code 49076)

19. Designated peace officers or law enforcement agencies in cases where the district is
   authorized by law to assist law enforcement in investigations of suspected criminal
   conduct or kidnapping and a written parental consent, lawfully issued subpoena, or
   court order is submitted to the district, or information is provided to it indicating that
   an emergency exists in which the student's information is necessary to protect the
   health or safety of the student or other individuals (Education Code 49076.5)

   In such cases, 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 in California or any other state or to a California
   private school. (Education Code 49076.5)

   When disclosing records for the above purposes, the Superintendent or designee shall obtain
   the necessary documentation to verify that the person, agency, or organization is a person,
   agency, or organization that is permitted to receive such records.

   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)

   In addition, the parent/guardian or adult student may provide written consent for access to
   be granted to persons, agencies, or organizations not afforded access rights by law. The
   written consent shall specify the records to be released and the party or parties to whom they
   may be released. (Education Code 49061, 49075)
STUDENT RECORDS (continued)

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

(cf. 5021 - Noncustodial Parents)

Discretionary Access

At the discretion of the Superintendent or designee, information may be released 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, 99.32, 99.36)

   When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

   Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations in order to carry out their accrediting functions (Education Code 49076; 34 CFR 99.31)

3. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

4. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

5. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written
STUDENT RECORDS (continued)

agreement or contract with the district, excluding volunteers or other parties (Education Code 49076)

(cf. 3600 - Consultants)

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 the student's parents/guardians for these purposes is 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)

7. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, subject to the limits set by 34 CFR 99.37 and under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency (Education Code 49076; 34 CFR 99.37)

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

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

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 purpose, 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; 20 USC 1232g; 34 CFR 99.31)

Process for Providing Access to Records
STUDENT RECORDS (continued)

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. (Education Code 49069; 5 CCR 433)

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

The custodian of records shall develop reasonable methods, including physical, technological, and administrative policy 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 required by law, a student's parent/guardian or an adult student shall provide written, signed, and dated 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 district's consent form 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 or adult student, the district shall provide a copy of the records disclosed. (34 CFR 99.30)

Within five business days following the date of request, the 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 or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

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 record and the legitimate educational interest of the requester. (Education Code 49064)
STUDENT RECORDS (continued)

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)

Duplication of Student Records

To provide copies of any student record, the district may charge a reasonable fee not to exceed the actual cost of providing the copies.

(cf. 3260 - Fees and Charges)

Changes to Student Records

Only a parent/guardian having legal custody of a 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)

No additions or change shall be made to a student's record after high school graduation or permanent departure, other than routine updating, unless required by law or with prior consent of the parent/guardian or adult student. (Education Code 49062.5, 49070; 5 CCR 437)

When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the district shall update the former student's records to reflect the updated legal name and/or gender. Upon request by the former student, the district shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. The district is not required to modify records that the former student has not requested for modification or reissuance. (Education Code 49062.5)

(cf. 5145.3 - Nondiscrimination/Harassment)

If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)
STUDENT RECORDS (continued)

1. The date of the request

2. The date the requested records were reissued to the former student

3. A list of the records that were requested by and reissued to the former student

4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender

5. The name of the employee who completed the request

6. The current and former names and/or genders of the student

Any former student who submits a request to change the legal name or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and AR 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 towards graduation

(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 after the school year in which they originated, 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 therefor

(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 organizations 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 actions necessary to establish 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
STUDENT RECORDS (continued)

(cf. 6174 - Education for English 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 prohibition of student participation in specific programs

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

(cf. 6162.51 - State Academic Achievement Tests)

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 and their usefulness ceases, including: (5 CCR 432, 437)

1. Objective counselor and/or 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)
STUDENT RECORDS (continued)

Transfer of Student Records

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of rights regarding student records, including a parent/guardian's 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 district, 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 the student's 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 within 10 school days of the district's receipt of the request for the student's records. 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, 49068; 5 CCR 438)

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 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)
STUDENT RECORDS (continued)

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices in that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063, 48985; 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
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
STUDENT RECORDS (continued)

11. 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 49060-49085, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

(cf.5145.13 – Response to Immigration Enforcement)

Regulation approved: CSBA MANUAL MAINTENANCE SERVICE December 2019
Ventura USD
Board Policy
Student Records; Confidentiality

BP 5125
Students

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

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

(cf. 3580—District Records)
(cf. 4040—Employee Use of Technology)
(cf. 5125.1—Release of Directory Information)
(cf. 5125.2—Withholding Grades, Diploma or Transcripts)
(cf. 5125.3—Challenging Student Records)

The Superintendent or designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records at the district level. At each school, the principal or a certificated designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

Legal Reference:
EDUCATION CODE
48201—Student records for transfer students who have been suspended/expelled
48904-48904.3—Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold
48918—Rules governing expulsion procedures
49060-49079—Pupil records
49091.14—Parental review of curriculum
CODE OF CIVIL PROCEDURE
1985.3—Subpoena duces tecum
FAMILY CODE
3025—Access to records by nonecustodial parents
GOVERNMENT CODE
6252-6260—Inspection of public records
HEALTH AND SAFETY CODE
120440—Immunizations; disclosure of information
WELFARE AND INSTITUTIONS CODE—
681 Truancy petitions
16010 Health and education records of a minor
CODE OF REGULATIONS, TITLE 5
430-438 Individual pupil records
16020-16027 Destruction of records of school districts
UNITED STATES CODE, TITLE 20—
1232g Family Educational Rights and Privacy Act
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy
300.500 Definition of "personally identifiable"
300.501 Opportunity to examine records for parents of student with disability
300.573 Destruction of information
COURT DECISIONS
Falvo v. Owasso Independent School District, 220 F.3d. 1200 (10th Cir. 2000)

Management Resources:
WEB SITES
U.S. Department of Education, Family Policy Compliance Office:
http://www.ed.gov/offices/OM/fpco/

Policy—VENTURA UNIFIED SCHOOL DISTRICT
adopted: April 10, 2001—Ventura, California
The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall establish administrative regulations governing the identification, collection, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records consistent with state and federal law.

(cf. 3580 - District Records)
(cf. 4040 - Employee Use of Technology)
(cf. 5125.1 - Release of Directory Information)
(cf. 5125.3 - Challenging Student Records)

The Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the district level. At each school, the principal or a certificated employee shall be designated as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records.  (5 CCR 431)

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information.

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

The district shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. The Superintendent or designee shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena. If a district employee receives such a request, he/she shall immediately report the request to the Superintendent or designee. The Superintendent or designee shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)
The Superintendent or designee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, nor shall he/she disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. Such information may only be compiled or exchanged with other local, state, or federal agencies if the information is aggregated and is not personally identifiable. (Government Code 8310.3)

Contract for Digital Storage, Management, and Retrieval of Student Records

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

(cf. 3312 - Contracts)

Legal Reference:

**EDUCATION CODE**
- 234.7 Student protections relating to immigration and citizenship status
- 17604 Contracts
- 48201 Student records for transfer students who have been suspended/expelled
- 48853.5 Foster youth; placement, immunizations
- 48902 Notification of law enforcement of specified violations
- 48904-48904.3 Withholding grades, diplomas, or transcripts
- 48918 Rules governing expulsion procedures
- 48980 Parental notifications
- 48985 Notices in parent/guardian's primary language
- 49060-49079 Student records
- 49091.14 Parental review of curriculum
- 51747 Independent study
- 56041.5 Rights of students with disabilities
- 56050 Surrogate parents
- 56055 Foster parents
- 69432.9 Cal Grant program; notification of grade point average

**BUSINESS AND PROFESSIONS CODE**
- 22580-22582 Digital privacy
- 22584-22585 Student Online Personal Information Protection Act
- 22586-22587 Early Learning Personal Information Protection Act

**CODE OF CIVIL PROCEDURE**
- 1985.3 Subpoena duces tecum
STUDENT RECORDS (continued)

FAMILY CODE
3025 Access to records by noncustodial parents
6552 Caregiver's authorization affidavit

GOVERNMENT CODE
6252-6260 Inspection of public records

HEALTH AND SAFETY CODE
120440 Immunizations; disclosure of information

PENAL CODE
245 Assault with deadly weapon

WELFARE AND INSTITUTIONS CODE
681 Truancy petitions
701 Juvenile court law
16010 Health and education records of a minor

CODE OF REGULATIONS, TITLE 5
430-438 Individual student records
16020-16027 Destruction of records of school districts

UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1232h Protection of Pupil Rights Amendment

UNITED STATES CODE, TITLE 26
152 Definition of dependent child

UNITED STATES CODE, TITLE 42
11434a McKinney-Vento Homeless Assistance Act; definitions

CODE OF FEDERAL REGULATIONS, TITLE 16
Part 312 Children's Online Privacy Protection Rule

CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy
300.501 Opportunity to examine records for parents of student with disability

Management Resources:
CSBA PUBLICATIONS
Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

FEDERAL REGISTER

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
IDEA and FERPA Confidentiality Provisions, 2014
Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records, 2008

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
STUDENT RECORDS (continued)

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

Policy adopted: VENTURA UNIFIED SCHOOL DISTRICT Ventura, California
Board Policy
Uniform Complaint Procedures

BP 1312.3
Community Relations

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

Complaints Subject to UCP

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

1. Any complaint alleging district violation of applicable state or federal laws or regulations governing any program subject to the UCP which is offered by the district, including adult education programs; After School Education and Safety programs; agricultural career technical education; American Indian education centers and early childhood education program assessments; bilingual education; California Peer Assistance and Review programs for teachers; state career technical and technical education, career technical, and technical training programs; federal career technical education; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; Economic Impact Aid; the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; special education programs; California State Preschool Programs; Tobacco-Use Prevention Education programs; and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5131.62 - Tobacco)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6200 - Adult Education)
2. Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.13 Response to Immigration Enforcement)
(cf. 5145.7 - Sexual Harassment)

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

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

4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)

(cf. 3260 - Fees and Charges)
(cf. 3320 - Claims and Actions Against the District)

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

6. Any complaint alleging district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)
Community Relations

UNIFORM COMPLAINT PROCEDURES

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)

7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)

(cf. 0420 - School Plans/Site Councils)

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

(cf. 6173.1 - Education for Foster Youth)

9. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6173.3 - Education for Juvenile Court School Students)

10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.2)

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

(cf. 6152 - Class Assignment)

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

(cf. 6142.7 - Physical Education and Activity)

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

14. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

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

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

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

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

UNIFORM COMPLAINT PROCEDURES

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

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

(cf. 3580 - District Records)

Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, teacher vacancies and misassignments, or health and safety violations in any license-exempt California State Preschool Program shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)
UNIFORM COMPLAINT PROCEDURES

Legal Reference:
EDUCATION CODE
200-262.4  Prohibition of discrimination
234.7  Student protections relating to immigration and citizenship status
8200-8498  Child care and development programs
8500-8538  Adult basic education
18100-18203  School libraries
32280-32289  School safety plan, uniform complaint procedures
33380-33384  California Indian Education Centers
35186  Williams uniform complaint procedures
44500-44508  California Peer Assistance and Review Program for Teachers
46015  Parental leave for students
48853-48853.5  Foster youth
48985  Notices in language other than English
49010-49014  Student fees
49069.5  Records of foster youth
49490-49590  Child nutrition programs
49701  Interstate Compact on Educational Opportunity for Military Children
51210  Courses of study grades 1-6
51223  Physical education, elementary schools
51225.1-51225.2  Foster youth, homeless children, former juvenile court school students, military-connected
51226-51226.1  Career technical education
51228.1-51228.3  Course periods without educational content
52060-52077  Local control and accountability plan, especially:
52075  Complaint for lack of compliance with local control and accountability plan requirements
52160-52178  Bilingual education programs
52300-52462  Career technical education
52500-52616.24  Adult schools
54000-54029  Economic Impact Aid
54400-54425  Compensatory education programs
54440-54445  Migrant education
54460-54529  Compensatory education programs
56000-56865  Special education programs
59000-59300  Special schools and centers
64000-64001  Consolidated application process; school plan for student achievement
65000-65001  School site councils
GOVERNMENT CODE
11135  Nondiscrimination in programs or activities funded by state
12900-12996  Fair Employment and Housing Act
HEALTH AND SAFETY CODE
1596.792  California Child Day Care Act; general provisions and definitions
1596.7925  California Child Day Care Act; health and safety regulations
104420  Tobacco-Use Prevention Education
PENAL CODE
Community Relations

422.55  Hate crime; definition
422.6  Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 2
11023  Harassment and discrimination prevention and correction
CODE OF REGULATIONS, TITLE 5
3080  Applicability of uniform complaint procedures to complaints regarding students with disabilities

UNIFORM COMPLAINT PROCEDURES

4600-4670  Uniform complaint procedures
4680-4687  Williams uniform complaint procedures
4900-4965  Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1221  Application of laws
1232g  Family Educational Rights and Privacy Act
1681-1688  Title IX of the Education Amendments of 1972
6301-6576  Title I Improving the Academic Achievement of the Disadvantaged
6801-7014  Title III language instruction for limited English proficient and immigrant students
UNITED STATES CODE, TITLE 29
794  Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17  Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6  Title IX of the Civil Rights Act of 1964
6101-6107  Age Discrimination Act of 1975
12101-12213  Title II equal opportunity for individuals with disabilities
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107  Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67  Family Educational Rights and Privacy Act
100.3  Prohibition of discrimination on basis of race, color or national origin
104.7  Designation of responsible employee for Section 504
106.8  Designation of responsible employee for Title IX
106.9  Notification of nondiscrimination on basis of sex
110.25  Notification of nondiscrimination on the basis of age

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Sample UCP Board Policies and Procedures
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter, September 22, 2017
Dear Colleague Letter:  Title IX Coordinators, April 2015
Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
Dear Colleague Letter: Harassment and Bullying, October 2010
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
WEB SITES
CSBA:  http://www.csba.org
California Department of Education:  http://www.cde.ca.gov
Family Policy Compliance Office:  https://www2.ed.gov/policy/gen/guid/fpco
Policy  VENTURA UNIFIED SCHOOL DISTRICT
adopted:  Ventura, California
Administrative Regulation
Uniform Complaint Procedures

AR 1312.3
Community Relations

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

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

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

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.13 – Response to Immigration Enforcement)

Assistant Superintendent, Human Resources
255 W. Stanley Ave.
Ventura, CA  93001
(805) 641-5000  Ext. 1153

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

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

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the
complaints to which they are assigned. Training provided to such employees shall cover current
Community Relations AR 1312.3 (b)

UNIFORM COMPLAINT PROCEDURES

state and federal laws and regulations governing the program, applicable processes for
investigating and resolving complaints, including those alleging unlawful discrimination (such as
discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions
on complaints, and appropriate corrective measures. Assigned employees may have access to
legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)
(cf. 9124 - Attorney)

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

Notifications

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

In addition, the Superintendent or designee shall annually provide written notification of the
district's UCP to students, employees, parents/guardians of district students, district advisory
committee members, school advisory committee members, appropriate private school officials or
representatives, and other interested parties. (5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state
   laws and regulations, including those related to prohibition of unlawful discrimination,
   harassment, intimidation, or bullying against any protected group and all programs and
   activities that are subject to UCP as identified in the section "Complaints Subject to
   UCP" in the accompanying Board policy

2. A statement that a complaint regarding student fees or the local control and
UNIFORM COMPLAINT PROCEDURES

accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3260 - Fees and Charges)

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

4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred

5. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6173.3 - Education for Juvenile Court School Students)
(cf. 6175 - Migrant Education Program)

6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints

7. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant

8. A statement that the complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision

9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable

10. A statement that copies of the district's UCP are available free of charge
UNIFORM COMPLAINT PROCEDURES

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

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

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

Filing of Complaints

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

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

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

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)

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

UNIFORM COMPLAINT PROCEDURES

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by persons who allege that they have personally suffered unlawful discrimination or who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

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

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

Mediation

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

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

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.
UNIFORM COMPLAINT PROCEDURES

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

Investigation of Complaint

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

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

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

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

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

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

Timeline for Final Decision

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the district's final written decision at the same time it is provided to the complainant.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

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

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant, shall be sent the district's final written decision, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Final Written Decision

For all complaints, the district's final written decision shall include: (5 CCR 4631)

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

Community Relations AR 1312.3 (h)

UNIFORM COMPLAINT PROCEDURES

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

2. The conclusion(s) of law

3. Disposition of the complaint

4. Rationale for such disposition

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

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

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

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

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

a. The corrective actions imposed on the respondent

b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.

c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence

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

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

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

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to Education Code 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

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

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
UNIFORM COMPLAINT PROCEDURES

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

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

Corrective Actions

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

(cf. 5137 - Positive School Climate)

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

1. Counseling

(cf. 6164.2 - Guidance/Counseling Services)

2. Academic support

3. Health services

4. Assignment of an escort to allow the victim to move safely about campus

5. Information regarding available resources and how to report similar incidents or retaliation

6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim

7. Restorative justice

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints involving retaliation or unlawful discrimination (such as discriminatory
UNIFORM COMPLAINT PROCEDURES

offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team

(cf. 6164.5 - Student Success Teams)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

(cf. 6145 - Extracurricular and Cocurricular Activities)

7. Disciplinary action, such as suspension or expulsion, as permitted by law

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

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

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or
any requirement related to the LCAP is found to have merit, the district shall provide a remedy to

Community Relations

AR 1312.3 (l)

UNIFORM COMPLAINT PROCEDURES

all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education.  (Education Code 49013, 51223, 52075)

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

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision.  (5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint.  (5 CCR 4632)

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

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

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

Policy VENTURA UNIFIED SCHOOL DISTRICT
adopted: Ventura, California