



Santa Clara County
Office of Education

ANNUAL NOTIFICATION

2023-2024

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SECTION ONE:

REQUIRED NOTIFICATIONS

Non-Discrimination Statement

The Santa Clara County Office of Education prohibits discrimination, harassment, intimidation and bullying based on actual or perceived race or ethnicity, gender/sex (including gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy-related medical conditions) sexual orientation, religion, color, national origin, ancestry, immigration status, physical or mental status, marital status, registered domestic partner status, age (40 and above), genetic information, political belief or affiliation (not union related), a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state or local law, ordinance, or regulation in any program or activity it conducts or to which it provides significant assistance.

Title IX and Educational Equity & Compliance Reporting

The Educational Services Division serves as the Santa Clara County Office of Education's (SCCOE) office for supporting students' civil rights and addressing concerns. SCCOE ensures compliance with applicable federal and state laws and regulations governing educational programs so that all students and community members are treated equitably in SCCOE programs and activities and are provided a safe, secure environment that is free from discrimination, harassment, intimidation, and/or bullying including, but not limited to, all aspects of Section 504, Title VI and Title IX compliance.

It is the law and SCCOE's policy to afford equal rights and opportunities to all persons to attend school and participate in the programs and activities, regardless of actual or perceived sexual orientation, gender or sex (including gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, immigration status, military status, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state or local law, ordinance, or regulation in any program or activity it conducts.

The Assistant Superintendent – Educational Services produces, updates and provides input regarding policies on or related to nondiscrimination; provides training, support, and technical direction to stakeholders, including students, parents/guardians, community, schools and SCCOE staff regarding harassment, discrimination, intimidation, and/or bullying issues involving protected characteristics; responds to and investigates harassment, discrimination, intimidation, and/or bullying complaint allegations, special education compliance complaints filed with external agencies, facilitates Office for Civil Rights complaint investigations, conducts and coordinates internal complaint investigations involving violations of federal and state laws identified under the Uniform Complaint Procedures regulations; and assists with State federal program monitoring reviews and other audits for SCCOE schools and district.

Santa Clara County Office of Education

**Uniform Complaint Procedures (UCP) Annual Notice
2023–2024**

The Santa Clara County Office of Education annually notifies our students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of our Uniform Complaint Procedures (UCP) process.

The UCP Annual Notice is available on our website.

We are primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

- Programs and Activities Subject to the UCP
- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education and Career Technical and Technical Training Programs
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil

- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School Safety Plans
- Schoolsite Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) of the California Department of Education (CDE) or designee deems appropriate.

- Filing a UCP Complaint

A UCP complaint shall be filed no later than one year from the date the alleged violation occurred.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by our agency.

A pupil enrolled in any of our public schools shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint may be filed with the principal of a school or our superintendent or their designee.

A pupil fee or LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complainant provides evidence or information leading to evidence to support an allegation of noncompliance.

- Responsibilities of the Santa Clara County Office of Education

We shall post a standardized notice, in addition to this notice, with educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district.

We advise complainants of the opportunity to appeal an Investigation Report of complaints regarding programs within the scope of the UCP to the Department of Education (CDE).

We advise complainants of civil law remedies, including injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of our UCP procedures shall be available free of charge.

- For UCP Complaints Regarding State Preschool Health and Safety Issues Pursuant to Section 1596.7925 of the California *Health and Safety Code* (HSC)

In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California *Health and Safety Code* (HSC) a notice shall be posted in each California state preschool program classroom in each school in our agency.

The notice is in addition to this UCP annual notice and addresses parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California *Code of Regulations* (5

CCR) that apply to California state preschool programs pursuant to HSC Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.

- Contact Information

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints:

*Teresa Shipp, Assistant Superintendent of Educational Services
Santa Clara County Office of Education*

1290 Ridder Park Drive, San Jose, CA 95131

(408) 453-6560

tshipp@sccoe.org

The above contact is knowledgeable about the laws and programs that they are assigned to investigate in *Santa Clara County Office of Education*

Key to Code and Regulation Section Abbreviations

Abbreviation	Complete Title
EC	California Education Code
BPC	Business and Professions Code
CC	Civil Code
5 CCR	Title 5, California Code of Regulations
HSC	California Health and Safety Code
LEA	Local Educational Agency
PC	California Penal Code
VC	California Vehicle Code
WIC	California Welfare and Institutions Code
34 CFR	Title 34, Code of Federal Regulations
40 CFR	Title 40, Code of Federal Regulations
USC	United States Code

2023-24 PARENT NOTICE OF RIGHTS AND RESPONSIBILITIES

State law requires that parents or guardians be notified of their rights and responsibilities in certain matters pertaining to their children's education.

Absence for Religious Exercises and Instruction: Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. No pupil shall be excused from school for such purpose on more than four days per school month. (Ed. Code, § 46014)

Comprehensive Sexual Health Education and HIV/AIDS Prevention Education: A parent or guardian has the right to excuse their child from comprehensive sexual health education, HIV prevention education, and assessments related to that education. A parent or guardian who wishes to exercise this right must state their request in writing. (Ed. Code, § 51938) A parent or guardian may inspect the written and audiovisual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents have a right to request that the SCCOE provide them with a copy of the California Healthy Youth Act. (Ed. Code, § 51930 et. seq.)

Parents or guardians shall be notified in writing if the SCCOE plans to administer an anonymous, voluntary and confidential test, questionnaire, or survey containing age-appropriate questions about the pupils' attitudes concerning or practices related to sex in grades 7 to 12 and given the opportunity to review the test, questionnaire, or survey. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey by stating their request in writing. (Ed. Code, § 51938)

Every child's parent will be notified prior to the commencement of any comprehensive sexual health education and HIV/AIDS prevention education instruction whether the instruction will be taught by SCCOE personnel or by outside consultants. If outside consultants or guest speakers are used, the notice shall include the date of the instruction, and the name of the organization or affiliation of each guest speaker will be identified. Parents have a right to request that the SCCOE provide them with a copy of Education Code sections 51933, 51934, and 51938. (Ed. Code, § 51938) If arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the Superintendent or designee shall notify parents/guardians no less than 14 days before instruction is given. (Ed. Code, § 51938)

Excuse from Instruction in Health: Upon written request of a parent or guardian, a pupil may be excused from any part of instruction in health which conflicts with the parent(s)' or guardian(s)' religious training or beliefs (including personal moral convictions). (Ed. Code, § 51240)

Administration of Medication: Medication prescribed by a physician or ordered by a physician assistant for a child may be administered during the school day by the school nurse or other designated school personnel, or self-administered by the child if the medication is prescription auto-injectable epinephrine or prescription inhaled asthma medication, but only if the parent

consents in writing and provides detailed written instructions from a physician, or a physician assistant as specified by law. In order for a child to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the physician or physician assistant must also provide a written statement detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer auto-injectable epinephrine or prescription inhaled asthma medication. Parents must also provide a release for the school nurse or designated school personnel to consult with the pupil's health care provider regarding questions that may arise with regard to the medication, and releasing the SCCOE and its personnel from civil liability if the self-administering pupil suffers an adverse reaction as a result of self-administering auto-injectable epinephrine or prescription inhaled asthma medication. The written statements specified in this section shall be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. Forms for administering medication may be obtained from the school secretary. (Ed. Code, §§ 49423, 49423.1, 49423.5)

Students on Medication: Parents are to notify the school nurse or other designated certificated school employee if their child is on a continuing medication regimen. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the school nurse may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate. (Ed. Code, § 49480)

Immunizations: The SCCOE shall exclude from school any pupil who has not been immunized properly, unless the pupil is exempted from the immunization requirement pursuant to Chapter 1 (commencing with section 120325) of part 2 of division 105 of the Health and Safety Code. The immunization exemption based on personal beliefs has been eliminated. (Health & Saf. Code, § 120325) A student who, prior to January 1, 2016, submitted a letter or affidavit on file at the SCCOE stating beliefs opposed to immunization, is permitted to enroll in that institution until the student enrolls in the next grade span. Grade span means: 1) birth to preschool; 2) kindergarten and grades 1 through 6, inclusive, including transitional kindergarten; and 3) grades 7 through 12, inclusive. On or after July 1, 2016, the SCCOE shall exclude from school for the first time or deny admittance or deny advancement to any student to the 7th grade unless the student has been immunized for his or her age as required by law. (Health & Saf. Code, § 120335) A student may still be exempted from the immunization requirement based on medical condition or circumstances. A licensed physician or surgeon must transmit a completed medical exemption certification form from the California Department of Public Health directly to the local educational agency and the California Immunization Registry. The standardized medical exemption form shall be the only documentation of a medical exemption that shall be accepted by the SCCOE. (Health & Saf. Code, §§ 120370, 120372)

A parent or guardian may consent in writing for a physician, surgeon, or health care practitioner acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil at school. The health care practitioner may administer immunizations for the prevention and control of diseases that present a

current or potential outbreak as declared by a federal, state, or local public health officer. (Ed. Code, §§ 48216, 48980(a), 49403; Health & Saf. Code, §§ 120325, 120335)

Physical Exams and Testing: The SCCOE is required to conduct certain physical examinations and vision and hearing testing of students, unless the parent has a current written objection on file. However, the child may be sent home if he or she is believed to be suffering from a recognized contagious or infectious disease, and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist. (Ed. Code, §§ 49451, 49452, 49452.5, 49455; Health & Saf. Code, § 124085) The SCCOE may provide for scoliosis screening of every female student in grade 7 and every male student in grade 8. (Ed. Code, § 49452.5)

Confidential Medical Services: For students in grades 7 through 12, the SCCOE may release a student for the purpose of obtaining confidential medical services without obtaining the consent of the student's parent or guardian. (Ed. Code, § 46010.1)

Medical Coverage for Injuries: Medical and hospital services for pupils injured at school or school-sponsored events, or while being transported, may be insured at parent's expense. No pupil shall be compelled to accept such services without his or her consent or, if the pupil is a minor, without the consent of a parent or guardian. (Ed. Code, § 49472)

Medical and Hospital Services Not Provided: The SCCOE does not provide medical and hospital services for students injured while participating in athletic activities. However, all members of school athletic teams must have accidental injury insurance that covers medical and hospital expenses. (Ed. Code, §§ 32221.5, 49470, 49471)

Mental Health Services: The SCCOE shall notify pupils and parents or guardians no less than twice each school year of the steps to initiate access to available pupil mental health services on campus and/or in the community. (Ed. Code, § 49428) The mental health services available include counseling and support. To initiate services, a parent or student may contact their principal.

Services for Students with Exceptional Needs or a Disability: State and federal law require that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Students classified as individuals with exceptional needs for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. Please contact the local director of special education for specific information. (Ed. Code, § 56040 et seq.) In addition, services are available for students who have a disability which interferes with their equal access to educational opportunities. (Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. § 104.32) The SCCOE official listed below is responsible for handling requests for services under Section 504 and may be reached at the following address and telephone:

Dr. Jennifer Ann
1290 Ridder Park Drive
San Jose, CA 95131
(408) 453-6545

No Academic Penalty for Excused Absence: No pupil may have his or her grade reduced or lose academic credit for any absence or absences which are excused for the reasons specified below when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. (Ed. Code, §§ 48205, 48980(i))

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

Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.

Due to quarantine under the direction of a county or city health officer.

For the purpose of having medical, dental, optometrical, or chiropractic services rendered.

For the purpose of attending the funeral services of a member of the pupil's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.

For the purpose of jury duty in the manner provided for by law.

Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a doctor's note.

For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.

For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.

For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in section 49701 of the Education Code, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period

of time to be determined at the discretion of the superintendent of the school district.

For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.

For the purpose of participating in a cultural ceremony or event.

For the purpose of a middle or high school pupil engaging in a civic or political event, provided the pupil notifies the school in advance. A pupil absent pursuant to this section is required to be excused for only one day-long absence per year. A school administrator may permit additional absences pursuant to section 48260(c) of the Education Code.

Authorized at the discretion of a school administrator based on the facts of the pupil's circumstances, which are deemed to constitute a valid excuse, including, but not limited to, working for a period of not more than five consecutive days in the entertainment or allied industries if the pupil holds a work permit, or participating with a not-for-profit performing arts organization in a performance for a public school pupil audience for a maximum of up to five days per school year provided the pupil's parent or guardian provides a written note to the school authorities explaining the reason for the pupil's absence. (Ed. Code, §§ 48260, 48205, 48225.5)

A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls. (Ed. Code, § 48205)

"Cultural" means relating to the habits, practices, beliefs, and traditions of a certain group of people. (Ed. Code, § 48205)

"Immediate family," as used in this section refers to the parent or guardian, brother or sister, grandparent, or any relative living in the household of the pupil. (Ed. Code, § 48205)

Equal Opportunity: Equal opportunities for both sexes in all educational programs and activities run by the SCCOE is a commitment made by the SCCOE to all students. (Title IX of the Education Amendments of 1972) (34 C.F.R. § 106.8) Inquiries on all matters, including complaints, regarding the implementation of Title IX in the SCCOE may be referred to the SCCOE official listed below at the following address and telephone:

Teresa Shipp, Assistant Superintendent of Educational Services

1290 Ridder Park Drive San Jose CA 95131

(408) 453-6560

TShipp@sccoe.org

Complaints (Special Education): Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services. Parents may submit a description of the manner in which the parent believes special education programs do not comply with state or federal law or regulations to:

Dr. Jennifer Ann, Director of Special Education

1290 Ridder Park Drive

San Jose, CA 95131

(408) 453-6545

jann@sccoe.org

Release of Student Information: The SCCOE does not release information or records concerning a child to noneducational organizations or individuals without parent consent except by court order, receipt of a lawfully issued subpoena, or when otherwise allowed by law. The following categories of directory information may be made available to various persons, agencies or institutions unless the parent or guardian notifies the SCCOE in writing not to release such information:

Name, address, telephone, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, diplomas and awards received, and most recent previous educational institution attended. (Ed. Code, §§ 49060 et seq., 49073; 20 U.S.C. § 1232g; 34 C.F.R. § 99.7) In accordance with state and federal law, the SCCOE may also make available photographs, videos, and class rosters.

Directory information will not be released regarding a pupil identified as a homeless child or youth unless a parent, or pupil accorded parental rights, has provided written consent that directory information may be released. (Ed. Code, § 49073(c); 20 U.S.C. § 1232g; 42 U.S.C. § 11434a(2))

Information Obtained from Social Media: A school SCCOE that considers a program to gather or maintain in its records any information obtained through social media of any enrolled student shall notify students and their parents or guardians about the proposed program and provide an opportunity for public comment at a regularly scheduled public meeting of the Governing Board of the school district. The notification shall include, but is not limited to, an explanation of the process by which a student or a student's parent or guardian may access the student's records to examine the information gathered or maintained, and an explanation of the process by which a student or student's parent or guardian may request the removal of information or make corrections to information gathered or maintained. (Ed. Code, § 49073.6)

Inspection of Student Records: State law requires that the SCCOE notify parents of the following rights which pertain to student records. (Ed. Code, §§ 49063, 49069.7; 34 C.F.R. § 99.7)

A parent or guardian has the right to inspect and review student records relating directly to his or her child during school hours or obtain a copy of such records within five (5) business days of his/her request.

Any parent who wishes to review the types of student records and information contained therein may do so by contacting the principal at his/her child's school. The principal of each school is ultimately responsible for maintenance of student records.

A parent with legal custody has a right to challenge information contained in his/her child's records. Any determination to expunge a student's record is made after a review of said record(s) by site administrators and certificated staff. Following an inspection and review of student records, the parent may challenge the content of the student's record. The right to challenge becomes the sole right of the student when the student becomes eighteen (18) years of age.

A parent or guardian has the right to consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent disclosure is authorized without consent.

A parent may file a written request with the Superintendent of the SCCOE to remove any information recorded in the written records concerning the child which is alleged to be:

Inaccurate.

An unsubstantiated personal conclusion or inference.

A conclusion or inference outside of the observer's area of competence.

Not based on the personal observation of a named person with the time and place of the observation noted.

Misleading.

In violation of the privacy or other rights of the pupil.

Within thirty (30) days, the Superintendent or designee shall meet with the parent/guardian and the certificated employee who recorded the information, if any, and if the person is still employed with the SCCOE, and sustain or deny the allegations. If the allegations are sustained, the Superintendent shall order the correction, removal or destruction of the information. If the Superintendent denies the allegations, the parent may appeal the decision to the Governing Board within thirty (30) days. The Board shall determine whether or not to sustain or deny the allegations. If the Board sustains the allegations, it shall order the Superintendent to immediately correct, remove or destroy the information from the written records of the student. (Ed. Code, § 49070)

If the final decision of the Board is unfavorable to the parents, or if the parent accepts an unfavorable decision by the SCCOE Superintendent, the parent shall have the right to submit a written statement of objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is removed.

Both the Superintendent and the Board have the option of appointing a hearing panel in accordance with Education Code sections 49070-49071 to assist in the decision making. The decision as to whether a hearing panel is to be used shall be made at the discretion of the Superintendent or the Board and not of the challenging party.

A Student Records Log is maintained for each student. The Student Records Log lists persons, agencies or organizations requesting and/or receiving information from the records and the legitimate interests therefor to the extent required by law. Student Records Logs are located at each school and are open to inspection by parents or guardians. (Ed. Code, § 49064)

School officials and employees having a legitimate educational interest, as well as persons identified in Education Code sections 49076 and 49076.5 and in the Family Educational Rights and Privacy Act, may access student records without first obtaining parental consent. "School officials and employees" are persons employed by the SCCOE as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel), a Board member, a person or company with whom the SCCOE has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist), or a parent, student, foster family agency, short-term residential treatment staff, or caregiver whose access to student records is legally authorized. A "legitimate educational interest" is one held by a school official or employee whose duties and responsibilities create a reasonable need for access. (Ed. Code, §§ 49063(d), 49076, 49076.5; 20 U.S.C. § 1232g)

Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others.

Parents and guardians will be charged .45 cents per page for the reproduction of student records.

Parents have a right to file a complaint with the U.S. Department of Education for alleged violations of parent rights related to student records. (20 U.S.C. § 1232g(g))

Parents may obtain a copy of the SCCOE's complete student records policy by contacting the Superintendent.

Family Educational Rights and Privacy Act: Parents have certain rights regarding student information and records which are guaranteed under federal law. A handout notifying parents of these rights is attached.

Student Discipline: SCCOE and school rules pertaining to student discipline are available to parents or guardians of SCCOE students in the school office. (Ed. Code, § 35291) Students may be subject to discipline for off-campus misconduct if the misconduct is related to school activity or attendance and causes or is reasonably likely to cause a substantial disruption to school activity. For example, a student using technology such as a home computer, cellular phone, or other electronic device may be disciplined for bullying, engaging in unlawful harassment, or making threats against students, staff, or property even if such misconduct occurred off-campus and during non-school hours. (Ed. Code, § 48900(r))

Dissection of Animals: If a student has a moral objection to dissecting (or otherwise harming or destroying) animals, or any part of an animal, the pupil must notify the teacher regarding such objection, and the objection must be substantiated with a note from the pupil's parent or guardian. If the pupil chooses to refrain from participating in such a project or test, and if the teacher believes that an adequate alternative education project or test is possible, then the teacher may work with the pupil to develop and agree upon an alternate education project or test for the purpose of providing the pupil an alternate avenue for obtaining the knowledge, information or experience required by the course of study. No student shall be discriminated against based upon his or her decision to exercise his or her rights under this section. (Ed. Code, §§ 32255-32255.6)

Temporary Disability: A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil's parent or guardian to notify the LEA in which the pupil is deemed to reside of the pupil's need for individualized instruction.

Home Instruction: The LEA in which the student resides is to provide individual instruction if the student is receiving the instruction in his or her home. Individual instruction in a pupil's home pursuant to Education Code section 48206.3 shall commence no later than five working days after the SCCOE has determined that the pupil shall receive this instruction.

Hospital or Health Facility Instruction: The LEA in which the hospital or other residential health facility, excluding a state hospital, is located must provide individual instruction to a student with a temporary disability. Within five working days of receipt of the notification, the SCCOE must determine whether the pupil will be able to receive individual instruction, and, if so, when the individual instruction will begin. Individual instruction will commence no later than five working days after a positive determination has been rendered. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student's LEA of residence shall be deemed to comply with the residency requirements of the LEA in which the hospital is located. SCCOE may continue to enroll a pupil with a temporary disability who is receiving individual instruction in a hospital or residential health facility to facilitate the timely reentry of the pupil in his or her prior school after the hospitalization has ended, or in order to provide a partial week of instruction. On days in which the student is not receiving individual instruction in a hospital or other residential health facility, he or she may attend school in his or her LEA of residence if well enough to do so. A pupil receiving individual instruction who is well enough to return to a school shall be allowed to return to the school, including a charter school, that he or she attended immediately before receiving individual instruction, if returning during the same school year. (Ed. Code, §§ 48206.3, 48207, 48207.3, 48207.5, 48208, 48980(b))

Pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom shall be treated in the same manner and under the same policies as any other temporary disabling condition. (Ed. Code, § 221.51)

Student Residency: A student may be enrolled in the SCCOE if (1) the student's parent, legal guardian or other person having control and charge of the student resides in the SCCOE (Ed. Code, § 48200); (2) the SCCOE has approved interdistrict attendance (Ed. Code, § 46600); (3) the student is placed in a regularly established children's institution, licensed foster home, or family home; (4) the student is a foster child who remains in his or her school of origin pursuant to Education Code section 48853.5(f) and (g); (5) the student is emancipated and lives within the SCCOE; (6) the student lives in the home of an adult who has submitted a caregiver affidavit; (7) the student resides in a state hospital within the SCCOE; or (8) the student's parent or legal guardian resides outside of the boundaries of the SCCOE but is employed and lives with the student at the place of his/her employment within the SCCOE boundaries for a minimum of three days during the school week. (Ed. Code, § 48204) The law allows, but does not require, SCCOE to accept a student for enrollment where at least one parent or legal guardian of the student is physically employed within the district's boundaries for a minimum of 10 hours during the school week. (Ed. Code, § 48204) A student also complies with the residency requirements for school attendance in the SCCOE if he or she is a student whose parent is transferred or pending transfer to a military installation within the state while on active duty pursuant to an official military order. However, the parent must provide proof of residence within ten (10) days after the published arrival date provided on official documentation. (Ed. Code, § 48204.3) A student also complies with the residency requirement if the student's parent/guardians were residents of the state but departed California against their will if the student provides official documentation evidencing

the departure of her/his parent/guardians against their will; that the student moved outside of California as a result of her/his parent/guardians departing California against their will; and that the student lived and was enrolled in school in California immediately before moving outside of California. (Ed. Code, § 48204.4)

Attendance Options: Students who attend schools other than those assigned by the SCCOE are referred to as “transfer students” throughout this notification. There is one process for choosing a school within the LEA which the parent lives (intradistrict transfer), and three separate processes for selecting schools in other districts (interdistrict transfer). (Ed. Code, § 48980(h))

Attached is a copy of the District’s Policy on Interdistrict and Intradistrict Transfers. Parents interested in transfers should contact their school principal. The general requirements and limitations of each process are described as follows:

Choosing a School Within the LEA in Which Parent Lives: Education Code section 35160.5(b) requires the school board of each LEA to establish a policy that allows parents to choose the schools their children will attend, regardless of where the parent lives in the district. The law limits choice within a LEA as follows:

Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school’s attendance area.

In cases in which there are more requests to attend a school than there are openings, the selection process must be “random and unbiased,” which generally means students must be selected through a lottery process rather than on a first-come, first served basis. An LEA cannot use a student’s academic or athletic performance as a reason to accept or reject a transfer. However, an LEA may consider special circumstances that might be harmful or dangerous to a particular pupil in the current attendance area of the pupil, including physical threats of bodily harm or threats to the emotional stability of the pupil documented by a state or local agency, licensed or registered professional, or court order.

Each LEA must decide the number of openings at each school which can be filled by transfer students. Each LEA also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a LEA can deny a transfer request if it would upset this balance or would leave the LEA out of compliance with a court-ordered or voluntary desegregation program.

An LEA is not required to provide transportation assistance to a student who transfers to another school in the LEA under these provisions.

If a transfer is denied, a parent does not have an automatic right to appeal the decision. An LEA may, however, voluntarily decide to put in place a process for parents to appeal a decision.

Victims of Bullying: A school of residence must approve an intradistrict transfer request for a victim of an act of bullying unless the requested school is at maximum capacity, in which case

the LEA must accept an intradistrict transfer request for a different school within the district. An LEA of residence may not prohibit the interdistrict transfer of a victim of an act of bullying if there is no available school for an intradistrict transfer and if the LEA of proposed enrollment approves the transfer application. (Ed. Code, § 46600)

An LEA of proposed enrollment shall ensure that pupils admitted under this law are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether a pupil should be enrolled based on academic or athletic performance, physical condition, English proficiency, family income, or any of the individual characteristics set forth in Education Code section 220, including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status.

Choosing a School Outside the LEA in Which Parent Lives: Parents have two different options for choosing a school outside the LEA in which they live. The two options are:

Interdistrict Transfers (Ed. Code, §§ 46600–46610): The law allows two or more districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted. The law on interdistrict transfers also provides for the following:

Once a pupil is enrolled in a school pursuant to an interdistrict transfer agreement, the pupil must be allowed to continue to attend the school in which he or she is enrolled without reapplying, unless revocation of the interdistrict transfer is a term and condition of the agreement between the LEAs; however, an LEA must not rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year.

Upon request, a pupil determined to be the victim of an act of bullying by a pupil of the LEA of residence must be given priority for interdistrict attendance under any existing interdistrict attendance agreement or additional consideration for the creation of an interdistrict attendance agreement. (Ed. Code, §§ 46600(b), 48900(r))

If either LEA denies a transfer request, a parent may appeal that decision to the county board of education. There are specified timelines in the law for filing an appeal and for the county board of education to make a decision.

An LEA of residence shall not prohibit the transfer of a student who is a homeless child or youth, a current or former migratory child, a foster youth, the victim of an act of bullying, or a child of an active military duty parent to an LEA

of proposed enrollment if the LEA of _____ proposed enrollment approves the transfer application.

If a pupil is a victim of an act of bullying and his or her school LEA of _____ residence has only one school offering his or her grade level, such _____ that there is no option for an intradistrict transfer, the pupil may apply for an interdistrict transfer, and the school LEA of residence _____ shall not prohibit the transfer if the LEA of proposed enrollment approves the application for transfer. (Ed. Code, § 46600)

An LEA that elects to accept an interdistrict transfer pursuant to this subdivision shall accept all pupils who apply to transfer under this subdivision until the LEA is at maximum capacity and shall ensure that pupils admitted under this subdivision are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a pupil should be enrolled based on his or her academic, performance, athletic performance, physical condition, proficiency in English, family income, actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth), actual or potential parental, family, or marital status, pregnancy (including childbirth, false pregnancy, termination of pregnancy, or recovery therefrom), nationality (includes citizenship, country of origin and national origin), immigration status, race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of these actual or perceived characteristics. (Ed. Code, § 46600)

Upon request of the parent on behalf of a pupil eligible for transfer pursuant to _____ this subdivision, an LEA of enrollment will provide transportation _____ assistance to a pupil who is eligible for free or reduced-price meals. _____ (Ed. Code, § 46600)

An LEA of enrollment may provide transportation assistance to any pupil admitted under this subdivision. (Ed. Code, § 46600(d))

“Allen Bill” Transfers (Ed. Code, § 48204(b)): The law allows, but does not require, each LEA to adopt a policy whereby the student may be considered a resident of the LEA in which his/her parents (or legal guardian(s)) physically work for a minimum of 10 hours during the school week if that is different from the LEA in which the student resides. This code section does not require that an LEA accept a student requesting a transfer on this basis, but a student may not be rejected on the basis of race/ethnicity, sex, parental income, academic achievement, or any other “arbitrary” consideration. Other provisions of Education Code section 48204(b) include:

Either the LEA in which the parent (or legal guardian) lives or the LEA in _____ which the parent (or legal guardian) physically works may prohibit _____ the student’s transfer if it is determined that there would be a _____ negative impact on the district’s desegregation plan.

The LEA in which the parent (or legal guardian) physically works may reject a transfer if it determines that the cost of educating the student would be more than the amount of state funds the LEA would receive for educating the student.

There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a LEA under this law, unless the LEA approves a greater number of transfers.

There is no required appeal process for a transfer that is denied. However, the LEA that declines to admit a student is encouraged to provide in writing to the parent the specific reasons for denying the transfer.

Transferring a Student Convicted of a Felony/Misdemeanor: Education Code section 48929 authorizes the governing board of an LEA to transfer a student enrolled in the LEA who has been convicted of a violent felony as defined in Penal Code section 667.5 or misdemeanor listed in Penal Code section 29805 to another school within the LEA when the student and victim of the crime are enrolled in the same school. The governing board has adopted a policy regarding such transfers at a regular meeting pursuant to Education Code section 48929. The policy requires: 1) notice to be provided to the student and student's parent or guardian of the right to request to meet with the principal or designee of the school or District; and 2) that the school first attempt to resolve the conflict before transfer by using restorative justice, counseling, or other services. The policy also includes information regarding whether the transfer decision is subject to periodic review and the procedure used to conduct the review, and the process the board will use to consider and approve or disapprove the recommendation of the school principal or other school or LEA designee to transfer the student.

Sexual Harassment Policy: Each student will receive a written copy of the LEA policy on sexual harassment. The purpose of this policy is to provide notification of the **prohibition** against sexual harassment as a form of sexual discrimination and to provide notification of available remedies. A copy of the SCCOE's policy on sexual harassment is attached. (Ed. Code, §§ 231.5, 48980(f))

Notice of Alternative Schools: California state law authorizes all school districts to provide for alternative schools. Section 58500 of the Education Code defines alternative school as a school or separate class group within a school which is operated in a manner designed to:

Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.

Recognize that the best learning takes place when the student learns because of the student's desire to learn.

Maintain a learning situation maximizing student self-motivation and encouraging the student in his or her own time to follow his or her own interests. These interests may be

conceived by the student totally and independently or may result in whole or in part from a presentation by the student's teachers of choices of learning projects.

the Maximize the opportunity for teachers, parents, and students to cooperatively develop learning process and its subject matter. This opportunity shall be a continuous permanent process.

to Maximize the opportunity for the students, teachers, and parents to continuously react the changing world, including but not limited to, the community in which the school is located.

In the event any parent, pupil, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal's office in each attendance unit have copies of the law available for parent information. This law particularly authorizes interested persons to request the governing board of the SCCOE to establish alternative school programs in each district. (Ed. Code, § 58501)

Nutrition Program: The State Department of Education has established a statewide program to provide nutritious meals and milk at school for pupils, and to provide free meals to the neediest children. In some instances, nominal cash payments may be required. (Ed. Code, § 49510 et seq.)

U.S. Department of Education Programs: The following applies only to programs directly funded by the U.S. Department of Education:

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation shall be available for inspection by the parents or guardians of the children.

No student shall be required, as part of any applicable U.S. Department of Education funded program, to submit to a survey, analysis, or evaluation that reveals information concerning:

political affiliations or beliefs of the student or student's parents;

mental and psychological problems of the student or his/her family;

sex behavior or attitudes;

illegal, anti-social, self-incriminating or demeaning behavior;

critical appraisals of other individuals with whom respondents have close family relationships;

legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

religious practices, affiliations, or beliefs of the student or student's parent; or

income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent. (20 U.S.C. § 1232h)

Fingerprint Programs: With the written consent of the parent or guardian, kindergarten or newly enrolled students may be fingerprinted. The parent or guardian may revoke their consent in writing at any time. The fingerprint document may not be retained by the SCCOE but must be delivered to the parent or guardian. A fee shall be charged to the parent or guardian to reimburse the SCCOE for its actual cost. (Ed. Code, §§ 32390, 48980(f))

Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying:

State and federal law prohibit discrimination in education programs and activities. The SCCOE is primarily responsible for compliance with federal and state laws and regulations. (Cal. Code Regs., tit. 5, § 4620.)

Under state law, all pupils have the right to attend classes on school campuses that are safe, secure, and peaceful. (Ed. Code, § 32261) State law requires school districts to afford all pupils equal rights and opportunities in education, regardless of their actual or perceived characteristics, such as disability (mental and physical), gender (includes gender identity, gender expression, and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth), actual or potential parental, family, or marital status, pregnancy (including childbirth, false pregnancy, termination of pregnancy, or recovery therefrom), nationality (includes citizenship, country of origin and national origin), immigration status, race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or association with a person or group with one or more of these actual or perceived characteristics. (Ed. Code, §§ 210-214, 220 et seq., 234 et seq.; Cal. Code Regs., tit. 5, § 4900 et seq.; 20 U.S.C. § 1681 et seq.; 29 U.S.C. § 794; 42 U.S.C. § 2000d et seq.; 42 U.S.C. § 12101 et seq.; 34 C.F.R. § 106.9) The SCCOE prohibits discrimination, harassment, intimidation, bullying, and retaliation in all acts related to school activity or attendance. In addition to being the subject of a complaint, a pupil engaging in an act of bullying as defined by Education Code section 48900(r) may be suspended from school or recommended for expulsion.

The District's Uniform Complaint Procedures may be used in cases where individuals or a group have suffered discrimination, harassment, intimidation, or bullying. (Cal. Code Regs., tit. 5, §§ 4610, 4630, 4650; Ed. Code, §§ 234 et seq., 48900(r))

Any individual, public agency or organization has the right to file a written complaint alleging that he/she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal. Code Regs., tit. 5, §§ 4610, 4630(b)(1))

Copies of the District's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)

Complaints must usually be filed with the superintendent/designee of the District.

Discrimination complaints must be filed within six (6) months of the date the alleged discrimination occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged discrimination. Within that six (6) month period, complainant may file a written request with the superintendent or designee for an extension of up to ninety (90) days following the six (6) month time period. Extensions will not be automatically granted, but may be granted for good cause. (Cal. Code Regs., tit. 5, § 4630(b))

Complaints Other Than Discrimination, Harassment, Intimidation, and Bullying:

The SCCOE has a written complaint procedure which may be used in cases where any individual, public agency or organization alleges violations of state or federal law, other than those relating to discrimination, harassment, intimidation, and bullying.

Written complaints may be made regarding:

Adult Education

After School Education and Safety

Agricultural Career Technical and/or Vocational Education

American Indian Education Centers and American Indian Early Childhood Education

Bilingual Education

California Peer Assistance and Review Programs for Teachers

Consolidated Categorical Aid Programs

Migrant Child Education Programs

Every Student Succeeds Act (formerly No Child Left Behind)

Career Technical and Technical Education and Technical Training Programs

Child Care and Development

Child Nutrition

Compensatory Education

Consolidated Categorical Aid

Economic Impact Aid

Special Education

“Williams Complaints”

Pupil Fees

Instructional Minutes for Physical Education

Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP)

Pregnant and Parenting Pupils, including parental leave

Student Parent Lactation Accommodations

Course Assignments already Completed or without Educational Content

Physical Education Instructional Minutes

Foster Youth, Homeless Youth, former Juvenile Court School Student Services, Migrant Youth, and Pupils of Military Families

Regional Occupational Centers and Programs

Continued Education Options for Former Juvenile Court School Students

School Safety Plans

School Plans for Student Achievement (SPSA)

Tobacco-Use Prevention Education

Schoolsite Councils

State Preschool

State Preschool Health and Safety Issues in Local Education Agencies Exempt From Licensing

Any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code section 64000

Any other educational programs the Superintendent deems appropriate

(Cal. Code Regs., tit. 5, §§ 4610(b), 4622, 4630; Ed. Code, §§ 222, 4845.7, 8200-8498, 8500-8538, 32289, 33315, 33380-33384, 35186, 41500-41513, 46015, 47606.5, 47607.3, 48853.5, 49013, 49069.5, 49490-49590, 49701, 51210, 51223, 51225.1, 51225.2, 51226-51226.1, 51228.1, 51228.2, 51228.3, 52060-52075, 52160-52178, 52300-52490, 52334.7, 52500-52616.24, 52800-52870, 54000-54029, 54400-54425, 54440-54445, 54460-54529, 56000-56867, 59000-59300, 64001; 20 U.S.C. §§ 1400, 4600, 6601, 6801, 7101, 7201, 7301 et. seq.; Health & Saf. Code, §§ 1596.792, 1596.7925, 104420)

Any individual, public agency or organization has the right to file a written complaint alleging that the SCCOE has violated a federal or state law or regulation governing any program listed above. (Cal. Code Regs., tit. 5, § 4630(b)(1))

Copies of the District's complaint procedures are available free of charge. (Cal. Code Regs., tit. 5, § 4622)

Complaints must usually be filed with the superintendent or designee of the SCCOE under the timelines established by SCCOE policy. (Cal. Code Regs., tit. 5, § 4630(b))

Within 60 days from the date of receipt of the complaint, the SCCOE's responsible officer or his/her designee shall conduct and complete an investigation of the complaint in accordance with local procedures adopted pursuant to California Code of Regulations, title 5, section 4621 and prepare a written decision. The time period may be extended by mutual written agreement of the parties.

Williams Complaints: Complaints, including anonymous complaints, may be made and addressed on a shortened timeline for the following areas: (Ed. Code, §§ 8235.5, 35186)

Insufficient textbooks and instructional materials;

Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils;

Noncompliance with the requirement of Education Code section 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products;

Teacher vacancy or misassignment; or

Noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code section 1596.7925 and related state regulations.

A complaint of noncompliance with Education Code section 35186 may be filed with the school principal or designee under the Uniform Complaint Procedures. A complainant not satisfied with the resolution of a Williams Complaint has the right to bring the complaint to the SCCOE governing board at a regularly scheduled hearing. In the case of a complaint regarding emergency or urgent school facilities conditions, a complainant has the right of appeal to the State Superintendent of Public Instruction.

Pupil Fees Complaints: A pupil enrolled in the SCCOE shall not be required to pay a pupil fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. (Ed. Code, § 49010 et seq.)

A pupil fee includes, but is not limited to, all of the following: a fee charged to a pupil as a condition for registering for school or classes, as a condition for participation in a class or an extracurricular activity, as a security deposit to obtain materials or equipment, or a purchase that a pupil is required to make to obtain materials or equipment for an educational activity.

A complaint of noncompliance with Education Code section 49010 et seq. may be filed with the school principal under the Uniform Complaint Procedures. A complaint shall be filed not later than one calendar year from the date the alleged violation occurred. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant not satisfied with the decision of the school may appeal the decision to the California Department of Education.

Foster, homeless, former juvenile court pupils and pupils in military families: the SCCOE will post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families as specified in Education Code sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

Responsible Official: The SCCOE official responsible for processing complaints is listed below at the following address:

Teresa Shipp, Assistant Superintendent Educational Services

1290 Ridder Park Drive San Jose, CA 95131

(408) 453-6560

TShipp@sccoe.org

Complaints Made Directly to the State Superintendent:

Complaints may be filed directly with the State Superintendent of Public Instruction in the following cases:

Complaints alleging that the SCCOE failed to comply with the complaint procedures described herein, including failure or refusal to cooperate with the investigation.

Complaints regarding Child Development and Child Nutrition programs not administered by the SCCOE.

Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at LEA level.

Complaints alleging that the SCCOE failed or refused to implement a final decision regarding a complaint originally filed with the SCCOE.

Complaints alleging that the SCCOE took no action within sixty (60) days regarding a complaint originally filed with the SCCOE.

Complaints alleging immediate and irreparable harm as a result of applying a district-wide policy in conflict with state or federal law and that complaining at the local level would be futile.

(Cal. Code Regs., tit. 5, §§ 4630, 4650)

Appeals:

Except for Williams Complaints, a complainant may appeal the District's decision to the California Department of Education. (Ed. Code, § 262.3(a); Cal. Code Regs., tit. 5, §§ 4622, 4632)

Appeals must be filed within fifteen (15) days of receiving the SCCOE decision.

Appeals must be in writing.

Appeals must specify the reason(s) for appealing the SCCOE decision, including whether the facts are incorrect and/or the law has been misapplied.

Appeals must include a copy of the original complaint and a copy of the SCCOE decision.

Pupil fee complaints appealed to the California Department of Education will receive a written appeal decision within 60 days of the department's receipt of the appeal.

If the school/SCCOE finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/SCCOE will provide a remedy to all affected pupils, parents, and guardians. For pupil fee complaints, this includes reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

If a complaint is denied, in full or in part, by the Department of Education, the complainant may request reconsideration by the State Superintendent of Public Instruction. (Cal. Code Regs., tit. 5, § 4665)

Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report.

The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

Civil Law Remedies:

In addition to the above-described complaint procedure, or upon completion of that procedure, complainants may have civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. These civil law remedies can include, but are not limited to, injunctions and restraining orders. These civil law remedies are granted by a court of law and may be used, in part, to prevent the SCCOE from acting in an unlawful manner. Delay in pursuing civil law remedies before a court of law may

result in loss of rights to those remedies. Any questions regarding civil law remedies should be directed to an attorney. (Ed. Code, § 262.3(b); Cal. Code Regs., tit. 5, § 4622)

Pupil-Free Staff Development Day and Minimum Day Schedule: A copy of the SCCOE's pupil-free staff development day and minimum day schedules is attached for reference. A pupil's parent or guardian will be notified during the school year of any additional minimum days and pupil-free staff development days no later than one month before the actual date. (Ed. Code, § 48980(c))

Review of Curriculum: A prospectus of curriculum, including titles, descriptions, and instructional aims of every course offered by each public school, is available at the school site for review upon request. Copies are available upon request for a reasonable fee not to exceed the actual copying cost. (Ed. Code, § 49091.14)

Transitional Kindergarten: The SCCOE may admit a child, who will have his/her fifth birthday between September 2 and April 2, to a transitional kindergarten at the beginning of or at any time during the school year with parental/guardian approval if:

the governing board or body determines that the admittance is in the best interests of the child, and

the parent/guardian is given information on the advantages and disadvantages and any other explanatory information on the effects of early admittance. (Ed. Code, § 48000)

Pupil Find System; Policies and Procedures: Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the Director of Student Services and/or Special Education, or his/her designee. Policy and procedures shall include written notification to all parents of their rights pursuant to Education Code section 56300 et seq. (Ed. Code, § 56301; 34 C.F.R. § 104.32(b))

School Accountability Report: Parents/guardians may request a hard copy of the School Accountability Report Card which is issued annually for each school of the SCCOE. (Ed. Code, § 35256)

Asbestos Management Plan: The current management plan for asbestos-containing material in school buildings is available at the SCCOE. (40 C.F.R. § 763.93)

Assistance to Cover Costs of Advanced Placement Examination Fees: The SCCOE may help pay for all or part of the costs of one or more advanced placement examinations that are charged to economically disadvantaged students. (Ed. Code, §§ 48980(j), 52242)

Every Student Succeeds Act (ESSA): The Every Student Succeeds Act (ESSA) took full effect in 2018 to replace the No Child Left Behind Act in modifying the Elementary and Secondary Education Act of 1965 (ESEA). If updates are provided by the California Department of Education, the following notice may change and new information may be added.

Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and

Aides: Upon request, parents have a right to information regarding the professional qualifications of their student's classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects he/she teachers, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the major or field of discipline for any degrees or certifications held by the teacher, and whether any instructional aides or paraprofessionals provide services to the parents' child and, if so, their qualifications. In addition, parents have a right to notice when the parent's child has been taught for four or more weeks by a teacher who is not highly qualified. (ESEA § 1112(e)(1)(A) (as amended by ESSA))

Information Regarding Individual Student Reports on Statewide Assessments: Upon request, parents have a right to information on the level of achievement of their student on every State academic assessment administered to the student. (ESEA § 1112(e)(1)(B) (as amended by ESSA))

School Identified for School Improvement: A local educational agency shall promptly provide notice to a parent or parents of each student enrolled in an elementary school or a secondary school identified for school improvement (school that fails for two consecutive years to make adequate yearly progress as defined in the State's plan) for comprehensive support and improvement activities or targeted support and improvement activities. The notice will be in an understandable and uniform format, and to the extent practicable, in a language the parents can understand. The notice will include an explanation of what the identification means; how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency; the reasons for the identification; an explanation of what the school identified for school improvement is doing to address the problem of low achievement; an explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem; an explanation of how parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and an explanation of the parents' option to transfer their child to another public school (with transportation provided by the agency when required or to obtain supplemental educational services for the child). (ESEA § 1111(c-d) (as amended by ESSA))

Parent and Family Engagement: ESSA requires the SCCOE to notify parents of a written parent and family engagement policy. (ESEA § 1116) (as amended by ESSA) (20 U.S.C. § 6318(b)). The policy must include how each school will: convene an annual meeting to which all parents of participating students shall be invited and encouraged to attend, to inform parents of the requirements of this policy and

the right of parents to be involved; offer a flexible number of meetings; involve parents in an organized and timely manner in the review and development of programs under this part including development of the parent and family engagement policy; provide parents timely notice about programs under this part, a description of the curriculum in use at the school, the forms of academic achievement, and if requested by parents, opportunities for regular meetings to formulate suggestions and participate in decisions related to the education of their children; allow parents to submit comments on the plan when the school makes it public; jointly develop a compact with parents describing the school's responsibility to provide high-quality curriculum in a supportive and effective learning environment and addresses the importance of communication between parents and teachers; provide assistance to parents of children served by the school in understanding academic standards, assessments, and the requirements of this part; provide materials and training to help parents work with their children to improve their children's achievement; educate teachers on the importance of parent outreach and communication; coordinate parent involvement in school programs; provide information related to school and parent programs in a format and language the parents can understand; adopt and implement model approaches to improving parental involvement; and provide other reasonable support for parental involvement activities as parents may request. This policy shall be provided in a format and, to the extent practicable, in a language that parents will understand.

Limited English Proficient Students: ESSA requires notice be given to parents of limited English proficient students regarding limited English proficiency programs, not later than 30 days after the beginning of the school year (or, for students identified later in the school year, within two weeks). Notice includes: the reasons for the identification of the student as limited English proficient; the need for placement in a language instruction educational program; the student's level of English proficiency and how such level was assessed; the status of the student's academic achievement; the methods of instruction used in the available programs (including content, instructional goals, and the use of English and native language); the exit requirements for the program; how the program meets the objectives of the student's IEP, if applicable; and, parent options for removing a student from a program, declining initial enrollment and/or choosing another program. (ESEA § 1112(e)(3)(A) (as amended by ESSA)) In addition, the notice shall include the following: (1) whether the student is a long-term English learner or at risk of becoming a long-term English learner; (2) the manner in which the program will meet the needs of long-term English learners or those at risk of becoming long-term English learners; and (3) the manner in which the program will help long-term English learners or those at risk of becoming long-term English learners develop English proficiency and meet age-appropriate academic standards. (Ed. Code, §§ 313.2, 440; 20 U.S.C. § 6312)

The information provided above is available upon request from each student's school or the SCCOE. Additional notices that may be required shall be sent separately. (20 U.S.C. § 6301 et seq.)

Language Acquisition Program: If the SCCOE implements a language acquisition program pursuant to Education Code section 310, it will: 1) comply with the kindergarten and grades 1-3, inclusive, class size requirements specified in Education Code section 42238.02; and (2) provide the parent or legal guardian of a minor pupil annually, or upon the pupil's enrollment, with information on the types of language programs available to pupils enrolled in the District, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Ed. Code, § 310; Cal. Code Regs., tit. 5, §§ 11309, 11310)

Military Recruiter Information: 20 U.S.C. section 7908 requires that school districts disclose the names, addresses and telephone numbers of high school students to military recruiters upon request, unless parents request that this information not be released without prior written consent. Parents have the option of making such a request. If parents do not wish this information to be provided to military recruiters, they must notify the SCCOE office of this fact in writing. The writing should be directed to the SCCOE official listed below at the following address:

Teresa Shipp, Assistant Superintendent of Educational Services
1290 Ridder Park Drive
San Jose, CA 95131
(408) 453-6560

Children in Homeless/Foster Care Situations, Former Juvenile Court School Students, Migrant Students, and Newcomers: Each LEA shall designate a staff person as a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. (Ed. Code, § 48852.5; 42 U.S.C. § 11432(g)(1)(J)(ii)) The District's liaison is Dr. Joann Vaars] and can be contacted at (408) 453-6892.

A homeless child will be allowed to continue his/her education in their school of origin through the duration of homelessness at the point of any change or any subsequent change in residence once a child becomes a homeless child. If the child's status changes before the end of the academic year so that he/she is not homeless, the SCCOE will allow a child in high school to continue his/her education in the school of origin through graduation. For a child in grades K through 8, the SCCOE will allow the formerly homeless child to continue his/her education in the school of origin until the end of the academic school year. A homeless child transitioning between school grade levels will be allowed to continue in the school SCCOE of origin in the same attendance area. If a homeless child is transitioning to a middle or high school where the school designated for matriculation is in another school district, the homeless child must be allowed to continue to the school designated for matriculation in that school district. The new school will be required to enroll the child immediately regardless of any outstanding fees, fines, textbooks or other items or moneys due to the school last attended or if the child is unable to produce

clothing or records normally required for enrollment, including academic records, medical records, proof of immunization history, proof of residency, other documentation, or school uniforms. (Ed. Code, § 48852.7)

The SCCOE has designated Dr. Joann Vaars as the educational liaison for foster children and can be contacted at (408)453-6892. The educational liaison will disseminate a standardized notice to foster children that has been developed by the State Department of Education and includes complaint process information. (Ed. Code, § 48853.5)

A foster child shall be allowed to continue his/her education in the school of origin under specified circumstances. If it is determined that it is in the best interests of the foster child to transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including academic records, medical records, immunization history, proof of residency, other documentation, or school uniforms. The last school attended must provide all records to the new school within two business days of receiving the request. (Ed. Code, §§ 48853, 48853.5)

Upon receiving a transfer request or notification of a student in foster care, the SCCOE shall, within two business days, transfer the student out of school and deliver the educational information and records to the next educational placement. Grades and credits will be calculated as of the day the student left school and no lowering of grades will occur as a result of the student's absence due to the decision to change placement or for a verified court appearance or related court activity. (Ed. Code, § 49069.5)

The SCCOE shall exempt from local graduation requirements a student who is in foster care, a homeless child or youth, a child of a military family, a former juvenile court school student, a migratory child, or a pupil participating in a newcomer program for recently arrived immigrant pupils and who transfers between schools under certain circumstances. (Ed. Code, §§ 51225.1, 51225.2)

The SCCOE shall accept coursework done by a student who is in foster care, a homeless child or youth, a child of a military family, a former juvenile court school student, a migratory child, or a pupil in a newcomer program while attending another school. The SCCOE will not require those students to retake courses or partial courses they have satisfactorily completed elsewhere. (Ed. Code, § 51225.2)

A complaint of noncompliance alleging violations of these sections, except for Education Code section 48852.7, may be filed under the District's Uniform Complaint Procedures pursuant to Title 5 of the California Code of Regulations.

Continued Education Options For Juvenile Court School Students: A juvenile court school student, or the person holding the right to make educational decisions for the student, may voluntarily defer or decline issuance of their diploma until after the student is released from the

juvenile detention facility, thereby allowing the student to take additional coursework at a local education agency. The county office of education will notify the student, the person holding to right to make educational decisions for the student, and the student's social worker or probation officer of all of the following:

The student's right to a diploma;

How taking coursework and meeting other educational requirements will affect the student's ability to gain admission to a post-secondary educational institution;

Information about transfer opportunities available through the California Community Colleges; and

The option to defer or decline the diploma and take additional coursework. (Ed. Code, §§ 48645.3(a), 48645.7)

Sex Equity In Career Planning: Parents shall be notified in advance of career counseling and course selection commencing with course selection in Grade 7, to promote sex equity and allow parents to participate in counseling sessions and decisions. (Ed. Code, § 221.5(d))

Pesticide Products: All schools are required to provide parents or guardians with annual written notice of expected pesticide use at schools. The attached list provides the name of each pesticide product, the active ingredient(s) and the Internet address for further information. Parents or guardians may request prior notice of individual pesticide applications at the school. If a parent wishes to be notified every time a pesticide is going to be applied, he or she must complete the attached form and return it to his or her child's school. A copy of the integrated pest management plan for the school site or SCCOE may be provided on the school website or viewed at the school office. (Ed. Code, §§ 48980.3, 17611.5, 17612)

Pregnant and Parenting Pupils: Pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. "Pregnant or parenting pupil" means a pupil who gives or expects to give birth or a parenting pupil who has not given birth and who identifies as the parent of the infant.

A pregnant or parenting pupil is entitled to eight weeks of parental leave. This leave may be taken before the birth of the pupil's infant if there is a medical necessity and/or after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. A pregnant or parenting pupil is entitled to additional leave if deemed medically necessary by the student's physician. (Ed. Code, § 46015)

The person holding the student's educational rights (i.e. the pupil if over 18 or the parent if under 18) may notify the school of the student's intent to exercise this right. Leave may still be taken even if notice was not provided.

During the leave, the student's absences shall be deemed excused and the student shall not be required to complete academic work or other school requirements.

A pregnant or parenting pupil may return to the school and the course of study in which he or she was enrolled before taking parental leave. Upon return to school after taking parental leave, a pregnant or parenting pupil is entitled to opportunities to make up work missed during his or her leave, including, but not limited to, makeup work plans and reenrollment in courses.

A pregnant or parenting pupil may remain enrolled for a fifth year of instruction in the school in which the pupil was previously enrolled when it is necessary in order for the pupil to be able to complete state and any local graduation requirements, unless the local educational agency makes a finding that the pupil is reasonably able to complete its graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.

A student who chooses not to return to the school in which he or she was enrolled before taking the leave is entitled to alternative education options offered by the local educational agency to include educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.

A student will not incur any academic penalties as a result of using the accommodations in this section. (Ed. Code, § 46015)

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures in accordance with Title 5 of the California Code of Regulations.

Student Parent Lactation Accommodations: The SCCOE is required to provide reasonable accommodations to a lactating student on a school campus to address breastfeeding needs. (Ed. Code, § 222)

A student may not be penalized academically because of the reasonable accommodations provided during the school day. A student must also be given the opportunity to make up missed work.

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures pursuant to Title 5 of the California Code of Regulations.

PE Instructional Minutes: The adopted course of study for grades 1 through 6 and instruction in grades 1 through 8 in an elementary school includes physical education for not less than 200 minutes each ten school days, exclusive of recesses and the lunch period. (Ed. Code, §§ 51210, 51223)

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures pursuant to Title 5 of the California Code of Regulations.

Course Assignments: The SCCOE is prohibited from assigning a student enrolled in any of grades 9 through 12 to any course period without educational content for more than one week in any semester, except under specified conditions. Under no circumstances will the SCCOE assign a student enrolled in any of grades 9 through 12 to a course period without educational content because there are not sufficient curricular course offerings for the student to take during the relevant period of the designated school day. (Ed. Code, § 51228.1)

The SCCOE is prohibited from assigning a student enrolled in grades 9 through 12 to a course that the student has previously completed and received a grade determined by the SCCOE to be sufficient to satisfy the requirements and prerequisites for admission to the California public post-secondary schools and the minimum high school graduation requirements, except under specified conditions. Under no circumstances will the SCCOE assign a student enrolled in any of grades 9 through 12 to a course the student has previously completed and received a sufficient grade, as specified, because there are not sufficient curricular course offerings for the student to take during the relevant period of the designated school day. (Ed. Code, § 51228.2)

These sections do not apply to students in alternative schools, community day schools, continuation high schools or an opportunity school. The SCCOE may continue to authorize dual enrollment in community college, to run evening high school programs, and to offer independent study, work experience education, and other specified courses.

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, § 51228.3)

Regional Occupational Centers and Programs/County Offices of Education Programs/Adult Education Programs: A regional occupational center or program, county office of education program, or adult education program must meet specified requirements for certification by the Superintendent of Public Instruction in order to provide an employment training program for adults or to authorize an education program beyond secondary education that leads to a degree or certificate. (Ed. Code, § 52334.7)

A complaint alleging that a local agency violated federal or state laws or regulations governing adult education programs under Education Code section 52501 or regional occupational centers and programs may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. A complaint alleging that a county office of education violated federal or state laws or regulations governing the county office's participation in any student financial assistance program authorized by Title IV may also be filed under the Uniform Complaint Procedures and Title 5 of the California Code of Regulations.

Pupil Fees: A pupil enrolled in a public school will not be required to pay a pupil fee for participation in an educational activity. (Ed. Code, § 49011)

The following requirements apply to prohibited pupil fees:

All supplies, materials, and equipment needed to participate in educational activities must be provided to pupils free of charge.

A fee waiver policy shall not make a pupil fee permissible.

The SCCOE and its schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school SCCOE or school does not provide.

The SCCOE and its schools shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and the SCCOE and its schools shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the SCCOE or school.

Solicitation of voluntary donations of funds or property and voluntary participation in fundraising activities are not prohibited. The SCCOE and its schools are not prohibited from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. (Ed. Code, § 49010 et seq.)

A complaint of noncompliance may be filed under the District's Uniform Complaint Procedures and Title 5 of the California Code of Regulations. (Ed. Code, § 49013)

Safe Storage of Firearms: The SCCOE is required to provide parents notice of California's child access prevention laws and laws relating to the safe storage of firearms. The SCCOE has attached a memorandum describing such laws. (Ed. C, § 48986, 49392)

**ACKNOWLEDGEMENT OF PARENT OR GUARDIAN OF
ANNUAL RIGHTS NOTIFICATION**

Detach, sign, and return this page to your child's school indicating you have received the Parent Notice of Rights and Responsibilities. Also, where specified on this page, indicate if you do not wish directory information to be released.

Student's Name: _____

School: _____ Grade: _____

If you do not wish directory information released, please sign where indicated below and return to the school office within the next 30 days. Note that this will prohibit the SCCOE from providing the student's name and other information to the news media, interested schools, parent-teacher associations, interested employers, and similar parties.

Do NOT release directory information regarding _____
(Pupil's Name)

Check if an exception may be made to include student information and photos in the yearbook.

I hereby acknowledge receipt of information regarding my rights, responsibilities, and protections.

Signature of Parent or Guardian: _____ Date: _____

Firearms Safety Memorandum

To: Parents and Guardians of Students in the Santa Clara County Office of Education
From: Dr. Mary Ann Dewan
Subject: California Law Regarding Safe Storage of Firearms

The purpose of this memorandum is to inform and to remind parents and legal guardians of all students in the **Santa Clara County Office of Education** of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

To help everyone understand their legal responsibilities, this memorandum spells out California law regarding the storage of firearms. Please take some time to review this memorandum and evaluate your own personal practices to assure that you and your family are in compliance with California law.

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; **or** (3) unlawfully brandishes the firearm to others.¹
 - **Note:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually accesses the firearm.²

¹ See California Penal Code sections 25100-25125 and 25200-25220.

² See California Penal Code section 25100(c).

- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.³
- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.⁴

Thank you for helping to keep our children and schools safe. Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

³ See California Civil Code section 29805.

⁴ See California Civil Code section 1714.3.

Notification of Rights Under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:

(1) The right to inspect and review the student’s education records within 45 days of the day the School receives a request for access.

Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students may ask the school to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise the parent or eligible student of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

In addition, the Student Aid Commission may have access to the grade point average (GPA) of all SCCOE 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 a student, or his or her parent or guardian if the student is under 18 years of age, "opts out" or is permitted by the rules of the Student Aid Commission to provide test scores in lieu of his or her GPA. (Ed. 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 18 years of age, 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. (Ed. Code, § 69432.9)

Upon request, the School discloses education records, without prior consent, to officials of another school SCCOE in which a student seeks or intends to enroll. ~~OR The School will make a reasonable attempt to notify the parent or eligible student of a records request by officials of another school SCCOE in which a student seeks or intends to enroll.~~

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

“KNOW YOUR EDUCATIONAL RIGHTS” IMMIGRATION ENFORCEMENT FROM THE CALIFORNIA ATTORNEY GENERAL

Your Child Has the Right to a Free Public Education

All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the student’s parents or guardians.

In California:

- All children have the right to a free public education.
- All children ages 6 to 18 years must be enrolled in school.
- All students and staff have the right to attend safe, secure, and peaceful schools.
- All students have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
- All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

Information Required for School Enrollment

When enrolling a child, schools must accept a variety of documents from the student’s parent or guardian to demonstrate proof of child’s age or residency.

You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

Confidentiality of Personal Information

Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.

Some schools collect and provide publicly basic student “directory information.” If they do, then each year, your child’s school SCCOE must provide parents/guardians with

written notice of the school's directory information policy, and let you know of your option to refuse release of your child's information in the directory.

Family Safety Plans If You Are Detained or Deported

You have the option to provide your child's school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.

You have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

Right to File a Complaint

Your child has the right to report a hate crime or file a complaint to the school SCCOE if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.

For more information on resources for responding to immigration enforcement activities at California schools, or to file a complaint, please contact:

Bureau of Children's Justice
California Attorney General's Office
P.O. Box 944255
Sacramento, CA 94244-2550
Phone: (800) 952-5225
E-mail: BCJ@doj.ca.gov
<https://oag.ca.gov/bcj/complaint>

The Attorney General's publications can be downloaded at: <https://www.oag.ca.gov/bcj>

HEALTHY SCHOOLS ACT OF 2000

Notice to all students, parents/guardians and employees of the Santa Clara County Office of Education School:

Education Code sections 17608 et seq. requires, among other things, that school districts notify parents and staff about the use of pesticides at school. The purpose is to reduce exposure to toxic pesticides through information and application of an integrated pest management system at schools. Towards this end, and pursuant to the requirements of this legislation, please be advised of the following:

The Santa Clara County Office of Education School expects to use the following pesticides at its campuses during the upcoming year:

Contact Manager of Risk and Liability at (408)453-6708

Parents/guardians of the SCCOE can register with the SCCOE designee, to receive notification of individual pesticide applications by calling (408) 453-6708. Persons who register for this notification shall be notified at least seventy-two (72) hours prior to the application, except in emergencies, and will be provided the name and active ingredient(s) of the pesticide as well as the intended date of application.

If you wish to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to California Food and Agricultural Code section 13184, you can do so by accessing the Department's web-site at www.cdpr.ca.gov.

**Model Notification of Rights Under the Protection of
Pupil Rights Amendment (PPRA)**

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right for parents of minor students to:

Consent before students are required to submit a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):

Political affiliations or beliefs of the student or student’s parent;

Mental or psychological problems of the student or student’s family;

Sex behavior or attitudes;

Illegal, anti-social, self-incriminating, or demeaning behavior;

Critical appraisals of others with whom respondents have close family relationships;

Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;

Religious practices, affiliations, or beliefs of the student or parents; or

Income, other than as required by law to determine program eligibility.

Receive notice and an opportunity to opt a student out of:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screening, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

Inspect, upon request and before administration or use:

4. Protected information surveys of students;

5. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
6. Instructional material used as part of the education curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

The SCCOE has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. **The SCCOE** will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. **The SCCOE** will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. **The SCCOE** will make this notification to parents at the beginning of the school year if the SCCOE has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. The following is a list of the specific activities and surveys covered under this requirement:

1. Collection, disclosure, or use of personal information for marketing, sales or other distribution.
2. Administration of any unprotected information survey not funded in whole or in part by the Department of Education.

Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

College Admission Requirements and Higher Education Information

Each school year, the SCCOE shall provide the parent of students in grades 9 through 12 with a written explanation of the requirements for admission to the California State University (“CSU”) and the University of California (“UC”) systems. (Ed. Code, § 51229)

To qualify for admission to the UC or CSU systems, high school students must meet the “Subject Requirements,” otherwise known as the “a-g” requirements. To learn more about college admission requirements, please visit the UC (www.universityofcalifornia.edu) or CSU (www.calstate.edu) websites or your student’s counseling office.

For a list of SCCOE courses that have been certified by the University of California as satisfying the requirements for admission to the UC and CSU systems, please ~~see below and~~ refer to: <https://doorways.ucop.edu/list>.

Career Technical Education (CTE): CTE may be offered by the SCCOE as career and workforce preparation for high school students, preparation for advanced training, and the upgrading of existing skills. CTE provides high school students who are 16 years of age or older with valuable career and technical education so students can: (1) enter the workforce with skills and competencies to be successful; (2) pursue advanced training in postsecondary educational institutions; or (3) upgrade existing skills and knowledge. A CTE course may also satisfy a graduation requirement and a subject matter requirement for admission to the UC and CSU.

To learn more about CTE, please visit www.cde.ca.gov/ci/ct. To learn more about the SCCOE’s career technical education classes, please contact your school principal.

Students are encouraged to meet with school counselors to help them choose courses at their school that will meet college admission requirements or to enroll in career technical education courses, or both.

LANGUAGE ACQUISITION PROGRAM

The Santa Clara County Office of Education provides language acquisition programs in accordance with the California Education Code. These courses include both designated and integrated English Language Development courses for students who identify as English Learners.

For further information please contact your school principal.

AUTHORIZATION FOR MEDICATION ADMINISTRATION

Pursuant to Education Code section 49423, students who are required to take medication prescribed by a physician, surgeon, or physician assistant during the regular school day (including over-the-counter medications such as aspirin, cold medicine, etc.) may obtain assistance from a school nurse or other designated employee if the SCCOE receives a written statement from both the student's physician, surgeon, or physician's assistant ("Provider"), and the student's parent/guardian authorizing the use of the medication and requesting assistance in its administration.

Except for certain self-administered medications ("epi-pen," "inhaler," or "insulin") authorized for personal use, students may not self-medicate or possess any over-the-counter or prescription medication while on SCCOE property. Unless otherwise governed by an Individualized Education Plan or Section 504 Plan, completion of this Authorization and compliance with its obligations by the parent/guardian and student is required to maintain the privilege afforded by section 49423. In addition, pursuant to Education Code section 49480 and this Authorization, the school nurse is authorized to contact the Provider below to have any question, issue, or safety concern addressed regarding the proper storage, handling, or administration of the medication, and the possible effects of the drug on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose. SCCOE employees may also communicate the existence of this Authorization to teachers and other employees who may supervise the student.

Student Information

Student Name: _____

School Year: _____

Date of Birth: _____

School ID: _____

School: _____

Grade: _____

Parent/Guardian Authorization: I hereby authorize as follows:

_____ Designated SCCOE personnel may assist my child with medication administration, monitoring, and testing according to the Provider's instructions and approval below.

_____ My child may carry and self-administer an auto-injector epinephrine pen, an asthma inhaler, or insulin according to the Provider's instructions and approval below.

_____ The school nurse may communicate with the Provider and may communicate with SCCOE employees regarding the possible effects of the medication on my child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission of medication, or overdose.

I will provide the medications authorized by the Provider in original prescription containers, labeled with the name of the student, the name of the prescribing Provider, and the medication name, dosage, method, and time schedule for administration. If an over-the-counter

medicine, it will be provided in the original, purchased container. I will pick up any remaining medication on the last day of the school year.

Waiver of Liability:

By signing below, I hereby release the SCCOE from any and all claims against the SCCOE and its personnel if my child suffers an adverse reaction as a result of self-administering auto-injectable epinephrine.

I understand that Education Code section 49407 states: "Notwithstanding any provision of any law, no school district, officer of any school district, school principal, physician, or hospital treating any child enrolled in any school in any LEA shall be held liable for the reasonable treatment of a child without the consent of a parent or guardian of the child when the child is ill or injured during regular school hours, requires reasonable medical treatment, and the parent or guardian cannot be reached, unless the parent or guardian has previously filed with the school a written objection to any medical treatment other than first aid." To the fullest extent allowed by Section 49407 and California law, I understand that I am waiving any potential claim I may have against the District, its officers, and employees regarding their assistance in compliance with this Authorization.

A new Authorization Form must be completed (1) when a medication, dosage, frequency of administration changes, or reason for administration changes; or (2) at the commencement of a new school year. I may revoke this Authorization, in writing, at any time, by providing written notice to my school principal.

Date: _____

Student Name: _____

Parent/Guardian Printed Name: _____

Signature: _____

Address: _____

Emergency Contact: _____ **Emergency Phone:** _____

Home Phone: _____ **Cell Phone:** _____

PROVIDER AUTHORIZATION

(To be completed only by a California Provider issuing the prescription(s))

Patient/Student Name: _____

DOB: _____

Name of Medication	Dosage/Method of Admin/Time of Day	Discontinue Date
#1)		
#2)		
#3)		
#4)		

Special Instructions/Storage/Administration Procedures/Precautions:

- #1) _____
- #2) _____
- #3) _____
- #4) _____

_____ I authorize designated school SCCOE personnel to assist my patient with medication administration, monitoring, and testing according with these Instructions.

_____ I authorize my patient to carry and self-administer ___ an auto-injector epinephrine pen, ___ an asthma inhaler, or ___ insulin according to instructions I have provided to my patient. I further confirm that the patient is able to self-administer ___ an auto-injector epinephrine pen, ___ an asthma inhaler, or ___ insulin according to such instructions.

Print Name of Provider

CA Medical License Number

Provider's Signature

NPI# _____

Provider's Telephone Number

ORP: _____ Yes _____ No _____

Provider's Facsimile N

Date: _____

ACKNOWLEDGEMENT OF PARENT OR GUARDIAN OF ANNUAL RIGHTS NOTIFICATION

Detach, sign, and return this page to your child's school indicating you have received the Parent Notice of Rights and Responsibilities. Also, where specified on this page, indicate if you do not wish directory information to be released.

Student's Name: _____

School: _____ Grade: _____

If you do not wish directory information released, please sign where indicated below and return to the school office within the next 30 days. Note that this will prohibit the SCCOE from providing the student's name and other information to the news media, interested schools, parent-teacher associations, interested employers, and similar parties.

Do NOT release directory information regarding _____
(Pupil's Name)

Check if an exception may be made to include student information and photos in the yearbook.

I hereby acknowledge receipt of information regarding my rights, responsibilities, and protections.

Signature of Parent or Guardian: _____ Date: _____

SECTION TWO:

Grounds for Suspension and Expulsion

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; (2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit *the* use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
(2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. This paragraph shall become inoperative on July 1, 2018, unless a later enacted statute that becomes operative before July 1, 2018, deletes or extends that date.
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.

(r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:

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

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

(2) (A) "Electronic act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

(i) A message, text, sound, video, or image.

(ii) A post on a social network Internet Web site, including, but not limited to:

(I) Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).

(II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(iii) An act of cyber sexual bullying.

(I) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or

other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(II) For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

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

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

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school SCCOE or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

(1) While on school grounds.

(2) While going to or coming from school.

(3) During the lunch period whether on or off the campus.

(4) During, or while going to or coming from, a school sponsored activity.

(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

(u) As used in this section, “school property” includes, but is not limited to, electronic files and databases.

(v) For a pupil subject to discipline under this section, a superintendent of the school SCCOE or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil’s misbehavior as specified in Section 48900.5.

(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

Sexual Harassment

In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5. For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

Hate Violence

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

Harassment, Threats or Intimidation

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

Limitations on Imposing Suspension

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

Terroristic Threats

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

(b) For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury

to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school SCCOE property, or the personal property of the person threatened or his or her immediate family.

Circumstances for Recommending Expulsion

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

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

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

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

(i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.

(ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.

(D) Robbery or extortion.

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

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

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

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

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

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

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

(2) Brandishing a knife at another person.

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

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

(5) Possession of an explosive.

(d) The governing board of a school SCCOE shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:

(1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.

(2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.

(3) Is not housed at the school site attended by the pupil at the time of suspension.

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

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

(2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(f) The governing board of a school SCCOE shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study that meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.

(g) As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3¹/₂ inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

(h) As used in this section, the term "explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.

SECTION THREE:

REQUIRED LEA NOTIFICATIONS - SPECIFIC PROGRAM NOTICES, ADMINISTRATIVE REGULATIONS, BOARD BYLAWS, BOARD POLICIES, & EXHIBITS

Santa Clara County Office of Education

Administrative Regulations, Board Policies and Exhibits

All SCCOE Policies can be found at: <https://www.boarddocs.com/ca/sccoe/Board.nsf/Public>
Click on the POLICIES tab at the top of the page.

Administrative Regulations

5022	Student and Family Privacy Rights
5125.1	Release of Directory Information
5132	Dress and Grooming
5145.13	Response to Immigration Enforcement
6173	Education for Homeless Children
6174	Education for English Language Learners
6175	Migrant Education Program

Board Bylaws

9010	Public Statements
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Board Policies

0410	Nondiscrimination in SCCOE Programs and Activities
3513.3	Tobacco Free Schools
5022	Student and Family Privacy Rights
5117	InterSCCOE Attendance Appeals
5125	Student Records
5125.1	Release of Directory Information
5131.2	Anti-Bullying Policy
5131.62	Tobacco
5132	Dress and Grooming
5145.13	Response to Immigration Enforcement
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5146	Married/Pregnant/Parenting Students
6111	School Calendar
6142.1	Sexual Health and HIV/AIDS Prevention Instruction
6143	Courses of Study
6146.1	High School Graduation Requirements
6164.4	Identification and Evaluation of Individuals for Special Education
6173	Education for Homeless Children
6174	Education for English Language Learners
6175	Migrant Education Program

Exhibit

5125	Release of Directory Information
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AR 5022 Student and Family Privacy Rights

Book Board Policies and Administrative Regulations

Section 5000 Students

Title Student and Family Privacy Rights

Code 5022 AR

Status Active

Adopted October 20, 2012

Last Revised May 29, 2018

Last Reviewed May 29, 2018

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.

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 participates in a survey containing one or more of the following items:

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 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 personal beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity. Notwithstanding the above requirements for prior written consent, the Santa Clara County Office of Education (SCCOE) 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, in writing, that their child not participate.

If the SCCOE administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the County Superintendent or designee shall not remove such questions.

Exceptions to Collection of Personal Information

Any SCCOE 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:

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
6. Student recognition programs

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:

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

Within a reasonable period of time of receiving a parent/guardian's 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 SCCOE.

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 non-emergency, 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.

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.

Notifications

At the beginning of the school year, the County Superintendent or designee shall notify parents/guardians of:

1. The SCCOE policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this administrative regulation and 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 exams or screenings
 - c. Collection of personal information from student for marketing or sale

Prior to administering anonymous and voluntary surveys regarding health risks and behaviors to students in grades 7-12, the SCCOE shall provide parents/guardians with written notice that the survey is to be administered.

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.

AR 5125.1 Release of Directory Information

Definition

Directory information means information contained in student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes:

Name

Address

Telephone number

Email address

Date of birth

Major field of study

Participation record in officially recognized activities and sports

Weight and height of athletic team members

Dates of attendance

Degrees and awards received

Most recent previous school attended

Directory information does not include a student's social security number or student identification number. However, directory information may include a student identification number, user identification, or other personal identifier used by the student for purposes of accessing or communicating in electronic systems provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user.

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 school or SCCOE plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the SCCOE designate any or all types of information as directory information and the period of time within which a parent/guardian must notify the SCCOE in writing that he/she does not want a certain category of information designated as directory information.

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 SCCOE will not release such information without parental consent or a court order.

The Superintendent or designee shall notify parents/guardians that they may request that the SCCOE not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent.

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. Directory information shall not be released regarding any student whose parent/guardian notifies the SCCOE in writing that such information not be disclosed without the parent/guardian's prior consent.

For a former student, the SCCOE shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance in a SCCOE program, unless the opt-out request has been rescinded.

Adopted: October 20, 2010

Revised: May 29, 2018

Dr. Mary Ann Dewan,
County Superintendent of Schools

AR 5132 Dress and Grooming

Book	Board Policies and Administrative Regulations
Section	5000 Students
Title	Dress and Grooming
Number	5132 AR
Status	Active
Adopted	October 20, 2010
Last Revised	October 20, 2010
Last Reviewed	October 20, 2010

In cooperation with teachers, students and parents/guardians, the principal or designee shall establish school rules governing student dress and grooming which are consistent with law, Board policy and administrative regulations. These school dress codes shall be regularly reviewed.

Each school shall allow students to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day.

In addition, the following guidelines shall apply to all regular school activities:

1. Shoes must be worn at all times. Sandals must have heel straps. Thongs or backless shoes or sandals are not acceptable.
2. Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice.
3. Hats, caps and other head coverings shall not be worn indoors.
4. Clothes shall be sufficient to conceal undergarments at all times. See-through or fishnet fabrics, halter tops, off-the-shoulder or low-cut tops, bare midriffs and skirts or shorts shorter than mid-thigh are prohibited.
5. Gym shorts may not be worn in classes other than physical education.
6. Hair shall be clean and neatly groomed. Hair may not be sprayed by any coloring that would drip when wet. Coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control.

The principal, staff, students and parent/guardians at each school may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.

Gang-Related Apparel

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus.

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received.

Uniforms

In schools where a schoolwide uniform is required, the principal, staff and parents/guardians of the individual school shall jointly select the specific uniform to be worn.

At least six months before a school uniform policy is implemented, the principal or designee shall notify parents/guardians of this policy.

Parents/guardians shall also be informed of their right to have their child exempted.

The principal or designee shall also repeat this notification at the end of the school year so that parents/guardians are reminded before school clothes are likely to be purchased.

The Santa Clara County Superintendent of Schools or designee shall establish criteria for determining student eligibility for financial assistance when purchasing uniforms.

The County Superintendent or designee shall establish a method for recycling or exchanging uniforms as students grow out of them.

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting.

AR 5145.13 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 County Superintendent or designee shall annually notify parents/guardians that the SCCOE 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.

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, SCCOE staff shall:

1. Notify the County 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 SCCOE or in cases involving investigations of child abuse, neglect, or dependency

Resources and data collected by the SCCOE 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.

Responding to Requests for Access to Students or School Grounds

SCCOE 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.

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)

SCCOE staff shall report the presence of any immigration enforcement officers to on-site SCCOE police and other appropriate administrators.

As early as possible, SCCOE staff shall notify the County 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, SCCOE 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 County 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
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 County 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 Immigrations and Customs Enforcement (ICE) administrative warrant, SCCOE staff shall inform the agent that they cannot consent to any request without first consulting with the SCCOE's legal counsel or other designated SCCOE 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, SCCOE staff shall promptly comply with the warrant. If feasible, SCCOE staff shall consult with the SCCOE'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, SCCOE staff shall inform the SCCOE'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, SCCOE 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
 - e. SCCOE 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 SCCOE's legal counsel or other designated SCCOE official

The SCCOE'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 County 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 County 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 County 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.

The County 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 County 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 County Superintendent or designee shall only contact child protective services if SCCOE 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 County 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 SCCOE 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. The County Superintendent or designee may refer a student or his/her family members to other resources for assistance, including, but not limited to, an ICE detainee locator, legal assistance, or the consulate or embassy of the parent/guardian's country of origin.

Adopted: May 29, 2018

Dr. Mary Ann Dewan,
County Superintendent of Schools

AR 6020 Parent Involvement

Book	Board Policies and Administrative Regulations
Section	6000 Instruction
Title	Parent Involvement
Number	6020 AR Status Active
Adopted	June 7, 2016
Last Revised	June 7, 2016
Last Reviewed	June 7, 2016

SCCOE Strategies for Title I Schools

To ensure that parents/guardians of students participating in Title I programs are provided with opportunities to be involved in their children's education, the Santa Clara County Superintendent of Schools (County Superintendent) or designee shall:

1. Involve parents/guardians of participating students in the joint development of the Title I local educational agency (LEA) plan pursuant to 20 USC 6312 and the process of school review and improvement pursuant to 20 USC 6316 (20 USC 6318)

(cf. 6171 - Title I Programs)

The County Superintendent or designee may:

- a. Establish a committee including parent/guardian representatives from each school site to review and comment on the LEA plan in accordance with the review schedule established by the Governing Board
- b. Invite input on the LEA plan from other school committees and school site councils

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

- c. Communicate with parents/guardians through a newsletter, web site, or other methods regarding the LEA plan and the opportunity to provide input
- d. Provide copies of working drafts of the LEA plan to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand
- e. Ensure that there is an opportunity at a public Board meeting for public comment on the LEA plan prior to the Board's approval of the plan or revisions to the plan

- f. Ensure that school-level policies on parent involvement address the role of school site councils and other parents/guardians as appropriate in the development and review of school plans
2. Provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance (20 USC 6318)

The County Superintendent or designee may:

- a. Assign person(s) to serve as a liaison to the schools regarding Title I parent involvement issues
 - b. Provide training for the principal or designee of each participating school regarding Title I requirements for parent involvement, leadership strategies, and communication skills to assist him/her in facilitating the planning and implementation of parent involvement activities
 - c. Provide ongoing workshops to assist school site staff and parents/guardians in planning and implementing improvement strategies, and seek input from parents/guardians in developing the workshops
 - d. Provide information to schools about the indicators and assessment tools that will be used to monitor progress
3. Build the capacity of schools and parents/guardians for strong parent involvement (20 USC 6318)

The County Superintendent or designee shall:

- a. Assist parents/guardians in understanding such topics as the state's academic content standards and academic achievement standards, state and local academic assessments, the requirements of Title I, and how to monitor a child's progress and work with educators to improve the achievement of their children

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)(cf. 6162.52 - High School Exit Examination)

- b. Provide materials and training to help parents/guardians work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parent involvement
- c. Educate teachers, student services personnel, principals, and other staff, with the assistance of parents/guardians, in the value and utility of parent/guardian contributions and in how to reach out to, communicate with, and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between

parents/guardians and the schools

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

To the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, Home

Instruction Programs for Preschool Youngsters, Parents as Teachers Program, public preschool, and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents/guardians in more fully participating in their children's education

d. Ensure that information related to school and parent/guardian programs, meetings, and other activities is sent to the parents/guardians of participating students in a format and, to the extent practicable, in a language the parents/guardians can understand

e. Provide other such reasonable support for parent involvement activities as parents/guardians may request

In addition, the County Superintendent or designee may:

a. Pay reasonable and necessary expenses associated with parent involvement activities, including transportation and childcare costs, to enable parents/guardians to participate in school-related meetings and training sessions

b. Train parents/guardians to enhance the involvement of other parents/guardians

c. Arrange school meetings at a variety of times or, when parents/guardians are unable to attend such conferences, conduct in-home conferences between parents/guardians and teachers or other educators who work directly with participating students

d. Adopt and implement model approaches to improving parent involvement

e. Develop appropriate roles for community-based organizations and businesses in parent involvement activities

f. Make referrals to community agencies and organizations that offer literacy training, parent education programs, and/or other services that help to improve the conditions of parents/guardians and families

(cf. 1020 - Youth Services)

g. Provide a master calendar of COE activities and school meetings

h. Provide information about opportunities for parent involvement through the newsletter, web site, or other written or electronic means

i. To the extent practicable, provide translation services at school sites and at meetings involving parents/guardians as needed

- j. Provide training and information to members of SCCOE and school site councils and advisory committees to help them fulfill their functions
 - k. Regularly evaluate the effectiveness of staff development activities related to parent involvement
4. Coordinate and integrate Title I parent involvement strategies with Head Start, Reading First, Early Reading First, Even Start, Home Instruction Program for Preschool Youngsters, Parents as Teachers Program, public preschool, and other programs (20 USC 6318)
- (cf. 6300 - Preschool/Early Childhood Education)
5. Conduct, with involvement of parents/guardians, an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the schools served by Title I (20 USC 6318)

The County Superintendent or designee shall:

- a. Ensure that the evaluation include the identification of barriers to greater participation in parent involvement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background (20 USC 6318)
- b. Use the evaluation results to design strategies for more effective parent involvement and, if necessary, to recommend changes in the parent involvement policy (20 USC 6318)
- c. Assess the COE's progress in meeting annual objectives for the parent involvement program, notify parents/guardians of this review and assessment through regular school communications mechanisms, and provide a copy to parents/guardians upon their request (Education Code 11503)

The County Superintendent or designee may:

- a. Use a variety of methods, such as focus groups, surveys, and workshops, to evaluate the satisfaction of parents/guardians and staff with the quality and frequency of COE communications
 - b. Gather and monitor data regarding the number of parents/guardians participating in school activities and the types of activities in which they are engaged
 - c. Recommend to the Board measures to evaluate the impact of the COE's parent involvement efforts on student achievement
6. Involve parents/guardians in the activities of schools served by Title I (20 USC 6318)
- The County Superintendent or designee may:

- a. Include information about school activities in COE communications to parents/guardians
- b. To the extent practicable, assist schools with translation services or other accommodations needed to encourage participation of parents/guardians with special needs
- c. Establish processes to encourage parent/guardian input regarding their expectations and concerns for their children

The COE's Board policy and administrative regulation containing parent involvement strategies shall be incorporated into the LEA plan and distributed to parents/guardians of students participating in Title I programs. (20 USC 6318)

(cf. 5145.6 - Parental Notifications)

School-Level Policies for Title I Schools

At each school receiving Title I funds, a written policy on parent involvement shall be developed jointly with and agreed upon by parents/guardians of participating students. Such policy shall describe the means by which the school will: (20 USC 6318)

- 1. Convene an annual meeting, at a convenient time, to which all parents/guardians of participating students shall be invited and encouraged to attend, in order to inform parents/guardians of their school's participation in Title I and to explain Title I requirements and the right of parents/guardians to be involved
- 2. Offer a flexible number of meetings, such as meetings in the morning or evening, for which related transportation, childcare, and/or home visits may be provided as such services relate to parent involvement
- 3. Involve parents/guardians in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school's parent involvement policy and, if applicable, the joint development of the plan for schoolwide programs pursuant to 20 USC 6314

The school may use an existing process for involving parents/guardians in the joint planning and design of the school's programs provided that the process includes adequate representation of parents/guardians of participating students.

- 4. Provide the parents/guardians of participating students all of the following:
 - a. Timely information about Title I programs
 - b. A description and explanation of the school's curriculum, forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet

(cf. 5121 - Grades/Evaluation of Student Achievement)(cf. 5123 - Promotion/Acceleration/Retention)

- c. If requested by parents/guardians, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to their children's education, and, as soon as practicably possible, responses to the suggestions of parents/guardians
5. If the schoolwide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the district
6. Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff, and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards

(cf. 0520.1 - High Priority Schools Grant

Program) This compact shall address:

- a. The school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to achieve the state's student academic achievement standards
- b. Ways in which parents/guardians will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television viewing; volunteering in the classroom; and participating, as appropriate, in decisions related to their children's education and the positive use of extracurricular time

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)(cf. 5113 - Absences and Excuses)

(cf. 6145 - Extracurricular/Cocurricular Activities)(cf. 6154 - Homework/Makeup Work)

- c. The importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:
 - (1) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the student's achievement

- (2) Frequent reports to parents/guardians on their children's progress
 - (3) Reasonable access to staff, opportunities to volunteer and participate in their child's classroom, and observation of classroom activities
7. Build the capacity of the school and parents/guardians for strong parent involvement by implementing the activities described in items #3a-f in the section "SCCOE Strategies for Title I Schools" above
8. To the extent practicable, provide full opportunities for the participation of parents/guardians with limited English proficiency, parents/guardians with disabilities, and parents/guardians of migrant children, including providing information and school reports required under 20 USC 6311(h) in a format and language such parents/guardians can understand

If the school has a parent involvement policy that applies to all parents/guardians, it may amend that policy to meet the above requirements. (20 USC 6318)

Each school's parent involvement policy shall be made available to the local community and distributed to parents/guardians of participating students in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. (20 USC 6318)

Each school receiving Title I funds shall annually evaluate the effectiveness of its parent involvement policy. Such evaluation may be conducted during the process of reviewing the school's single plan for student achievement in accordance with Education Code 64001.

The principal or designee, jointly with parents/guardians of participating students, shall periodically update the school's policy to meet the changing needs of parents/guardians and the school. (20 USC 6318)

AR 6173 Education for Homeless Children

Book Board Policies and Administrative Regulations

Section 6000 Instruction

Title Education for Homeless Children

Number 6173 AR Status Active

Adopted October 20, 2010

Last Revised October 20, 2010

Last Reviewed October 20, 2010

Definitions

Homeless means students who lack a fixed, regular, and adequate nighttime residence and includes:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings.
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
4. Migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above.

School of origin means the school that the student attended when permanently housed or the school in which the student was last enrolled.

Best interest means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parent/guardian.

Unaccompanied youth means a youth not in the physical custody of a parent or guardian.

SCCOE Liaison

The Superintendent designates the following staff person as the SCCOE liaison for homeless students:
Coordinator of Homeless/Foster Youth Services

The district's liaison for homeless students shall ensure that:

1. Homeless students are identified by school personnel and through coordinated activities with other entities and agencies
2. Homeless students enroll in, and have a full and equal opportunity to succeed in, SCCOE schools
3. Homeless families and students receive educational services for which they are eligible
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children
5. Notice of the educational rights of homeless children is disseminated at places where children receive services, such as schools, shelters, and soup kitchens
6. Enrollment disputes are mediated in accordance with law, Board policy, and administrative regulation
7. Parents/guardians are fully informed of all transportation services

Enrollment

Placement decisions for homeless students shall be based on the student's best interest. In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless his/her parent/guardian requests otherwise. (42 USC 11432)

When making a placement decision, the Superintendent or designee may consider the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

The student may continue attending his/her school of origin for the duration of the homelessness and until the end of any academic year in which he/she moves into permanent housing.

In the case of an unaccompanied youth, the district's homeless liaison shall assist in placement or enrollment decisions, consider the views of the student, and provide notice to the student of his/her appeal rights.

If the student is placed at a school other than his/her school of origin or the school requested by his/her parent/guardian, the Superintendent or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision.

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice, even if the parent/guardian is unable to provide the school with the records normally required for enrollment.

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the principal or designee shall refer the parent/guardian to the district's liaison for homeless students. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student.

Enrollment Dispute Resolution Process

If a dispute arises over school selection or enrollment in a particular school, the student shall be immediately admitted to the school in which enrollment is sought pending resolution of the dispute.

The parent/guardian shall be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to the SCCOE liaison.

The written explanation shall be complete, as brief as possible, simply stated and provided in language that the parent/guardian or student can understand. The explanation may include contact information for the SCCOE liaison, a description of the district's decision, notice of the right to enroll in the school of choice pending resolution of the dispute, notice that enrollment includes full participation in all school activities, and notice of the right to appeal the decision to the county office of education and, if the dispute remains unresolved, to the California Department of Education.

The SCCOE liaison shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute.

The liaison shall provide the parent/guardian a copy of the district's decision, dispute form, and a copy of the outcome of the dispute.

If a parent/guardian disagrees with the liaison's enrollment decision, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within five working days.

If the parent/guardian wishes to appeal the district's placement decision, the SCCOE liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education.

AR 6174 Education for English Learners

Book Board Policies and Administrative Regulations

Section 6000 Instruction

Title Education for English Learners

Code 6174 AR

Status Active

Adopted October 20, 2010

Last Revised November 6, 2018

Last Reviewed November 6, 2018

Definitions

English learner means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant.

Designated English language development means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English.

Integrated English language development means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards.

Integrated English language development includes specially designed academic instruction in English.

Native speaker of English means a student who has learned and used English in his/her home from early childhood and English has been his/her primary means of concept formation and communication.

Identification and Assessment

Upon enrollment, each student's primary language shall be determined through use of a home language survey. Any student who is identified as having a primary language other than English as determined by the home language survey, and for whom there is no record of results from an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC).

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education.

The ELPAC shall be administered in accordance with test publisher instructions. Variations and accommodations in test administration may be provided to English learners pursuant to 5 CCR 11518.30-11518.35.

Any student with a disability who is identified as an English learner shall be allowed to take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her IEP.

The Santa Clara County Office of Education shall notify parents/guardians of their child's results on the ELPAC Summative Assessment within 30 calendar days following receipt of the results from the test contractor.

For those children who have not been identified as ELs prior to the beginning of the school year, the LEA shall notify parents within the first two weeks of the child's placement in the language instruction educational program. Not later than 30 calendar days after the beginning of the school year, each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of his/her child's English proficiency. The notice shall include all of the following:

1. The reason for the student's classification as an English learner and the need for placement in a language acquisition program.
2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement.
3. A description of the language acquisition program in which the student is, or will be, participating, including a description of all of the following:
 - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
 - b. The manner in which the program will meet the educational strengths and needs of the student
 - c. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation
 - d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learner students, and the expected rate of graduation from secondary school if applicable
 - e. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP
4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards
5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request
6. Information regarding a

parent/guardian's option to decline to allow the student to become enrolled in the program or to choose another program or method of instruction, if available 7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered.

Language Acquisition Programs

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the SCCOE establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process:

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.
2. The school shall monitor requests on a regular basis and notify the County Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the SCCOE shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.
3. If the number of parents/guardians described in item #2 is attained, the County Superintendent or designee shall:
 - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program.
 - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals.
 - c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

Students with disabilities are to be provided the same access and opportunities to English language acquisition as students without disabilities. The requirements in a student's IEP or Section 504 Plan are federal requirements. If either the IEP or 504 Plan calls for primary language instruction, the student does not need a parental exception waiver to receive such instruction. The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (Section 504) require that an LEA provide to ELs with disabilities both the language assistance and disability-related services to which they are

entitled under federal law. The SCCOE must inform parents of EL students with IEPs how the language instruction education program meets the objectives of the child's IEP. Even if the parent declines disability-related services under IDEA or Section 504, that student with a disability remains entitled to all EL rights and services.

To ensure that ELs with disabilities receive services that meet their language and special education needs, at least one member of the IEP team should be a professional with training and expertise in second language acquisition and with an understanding of how to differentiate between the student's limited English proficiency and the student's disability.

All linguistic and academic services for ELs with disabilities described in their IEPs or Section 504 Accommodation Plans must be provided by qualified teachers who have credentials that authorize instruction to students with disabilities and ELs. Special education instruction must be provided by: (1) a teacher with both a special education and the appropriate EL authorization or certificate (BCLAD, CLAD, SB 1969, or SB 2913); or (2) a team of teachers who collectively possess the appropriate credentials.

The SCCOE shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following:

1. A description of the programs provided, including structured English immersion.
2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English.
3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development.
4. The manner in which the SCCOE has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals.
5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language.
6. The process to request establishment of a language acquisition program not offered at the school.
7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

Reclassification/Redesignation

The SCCOE shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they:

1. Demonstrate English language proficiency comparable to that of the SCCOE average native English language speakers.
2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers.

English learners shall be redesignated as fluent English proficient when they are able to comprehend, speak, read and write English well enough to receive instruction in an English language mainstream

classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study.

The following measures shall be used to determine whether an English learner shall be reclassified as fluent English proficient:

1. Assessment of English language proficiency utilizing an objective assessment instrument, including, but not limited to, the ELPAC.
2. Teacher evaluation, including, but not limited to, a review of the student's curriculum mastery.
3. Parent/guardian opinion and consultation. The County Superintendent or designee shall provide the Parents/guardians with notice and a description of the reclassification process, including notice of their right to participate in the process. Parent/guardian participation in the process shall be encouraged.
4. Comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age.

Pursuant to California Code of Regulations, 5 CCR, 11308 (c)(6) (Advisory Committees), any local reclassification procedures must be reviewed by the school SCCOE advisory committee on programs and services for English learners (ELs).

English Learners with an Active IEP

Reclassification of English learners who have an active IEP and are receiving special education and related services must meet the criteria listed above in 1-4. (E.C. Section 313(f)) SCCOE programs shall not create or adopt "blanket" alternative criteria for students with disabilities. However, in accordance with federal and state law, the IEP team may address the individual needs of an English learner with a disability with additional criteria but cannot substitute the four required criteria listed above.

Although reclassification takes place outside of the IEP process, it is important that the IEP team be informed of the decision to reclassify a student as the decisions may have an impact on the student's IEP. An IEP discussion is important because reclassification may necessitate changes to the student's goals or services.

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304) Each LEA must monitor the progress of reclassified pupils for a minimum of four years to ensure correct classification, placement, and additional academic support, as needed.

Advisory Committees

At the SCCOE level when there are more than 50 English learners in SCCOE and at each school with more than 20 English learners, parent/guardian advisory committees shall be maintained to serve the advisory functions specified in law.

Parents/guardians of English language learners shall constitute committee membership in at least the same percentage as their children represent of the total number of students in the school.

The SCCOE English language advisory committee shall advise the County Board on at least the following tasks:

1. The development of a SCCOE master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The countywide needs assessment on a school-by-school basis
3. Establishment of a SCCOE program, goals and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the SCCOE reclassification procedures.

Additionally, the advisory committee may provide input on the language acquisition program through the LCAP community engagement process.

In order to assist advisory members in carrying out their responsibilities, the County Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members.

English Learner Advisory Committee

The SCCOE ELAC shall advise the County Board on at least the following tasks:

1. Development of a master plan for education programs and services for English learners. The master plan will take into consideration the school site master plans.
2. Conducting an SCCOE-wide needs assessment on a school-by-school basis.
3. Establishment of SCCOE program, goals, and objectives for programs and services for English learners.
4. Development of a plan to ensure compliance with any applicable teacher and/or teacher aide requirements.
5. Review and comment on reclassification procedures.
6. Review and comment on the written notifications required to be sent to parents and guardians.
7. If the ELAC acts as the English learner parent advisory committee under California Education Code Sections 52063(b)(1) and 52062(a)(2), the ELAC shall also review and comment on the development or annual update of the Local Control and Accountability Plan (LCAP).*

LCAP Advisory Committee

When there are at least 15 percent English learners in an SCCOE program, with at least 50 students who are English learners, a SCCOE-level English learner parent advisory committee shall be established to review and comment on the SCCOE's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners.

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

AR 6175 Migrant Education Program

Book Board Policies and Administrative Regulations

Section 6000 Instruction

Title Migrant Education Program

Number 6175 AR Status Active

Adopted October 20, 2010

Last Revised October 20, 2010

Last Reviewed October 20, 2010

Eligibility

A student age 3 to 21 years shall be eligible for the Santa Clara County Office of Education migrant education program if he/she meets the criteria specified in 20 USC 6399 and 34 CFR 200.81 as verified by a migrant education recruiter.

SCCOE shall give first priority for services to migrant students who are failing, or most at risk of failing, to meet state content standards and challenging state performance standards, and whose education has been interrupted during the regular school year.

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.

Student Records

The Santa Clara County Superintendent of Schools or designee shall maintain records documenting the eligibility of students enrolled in the SCCOE migrant education program.

1. A general needs assessment summarizing the needs of the population to be served
2. Other educational services that are not otherwise available in sufficient quantity or quality to eligible migrant students
3. Instructional materials and equipment necessary for appropriate services
4. Other related services needed to enable migrant students to participate effectively in instructional services

5. The coordination and teaming of existing resources serving migrant students, such as bilingual cross-cultural education, health screening, and compensatory education
6. Staffing and staff development plans and practices to meet the needs of students and implement the program
7. 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
8. Evaluations which include annual student progress and overall program effectiveness and quality program components

The migrant education program shall provide control reports.

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

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 SCCOE 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.

At least two-thirds of the advisory council shall consist of parents/guardians of migrant students.

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.

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 the region
3. Advise on the selection, development, and reassignment of migrant education program staff
4. Participate actively in planning and negotiating program applications
5. Perform all other responsibilities required under state and federal laws or regulations

The County 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.

The County 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.

BP 9010 Public Statements

Book	Board Policies and Administrative Regulations
Section	9000 Board Bylaws
Title	Public Statements
Number	9010 BB
Status	Active
Adopted	November 2, 2011
Last Revised	April 9, 2014
Last Reviewed	April 9, 2014

The Santa Clara County Board of Education (County Board) recognizes the responsibility of County Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the Santa Clara County Office of Education (SCCOE), and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding SCCOE issues, County Board members are expected to respect the authority of the Board to choose its representatives to communicate its positions and to abide by established protocols.

All public statements authorized to be made on behalf of the County Board shall be made by the County Board president or, if appropriate, by the Santa Clara County Superintendent of Schools or other designated representative. No individual County Board member shall make public statements on behalf of the County Board or direct staff to promulgate any statement through publications, electronic media, or other means that contravene the policies or actions of the County Board.

When publicly speaking to community groups, members of the public, or the media, individual County Board members shall understand that their statements may be perceived as reflecting the views and positions of the County Board. County Board members shall identify personal viewpoints as such and not as the viewpoint of the County Board.

Board spokespersons shall not disclose confidential information or information received in closed session except when authorized by the majority of the Board.

In addition, the County Board encourages members who participate on social networking sites, blogs, or other discussion or informational sites to conduct themselves in a respectful, courteous, and professional manner and to model good behavior for SCCOE students and the community.

Such electronic communications are subject to the same standards and protocols established for other forms of communication, and the disclosure requirements of the California Public Records Act may likewise apply to them.

BP 0410 Non-Discrimination in SCCOE Programs and Activities

Book	Board Policies and Administrative Regulations
Section	0000 - Philosophy, Goals, Objectives, and Comprehensive Plans
Title	Nondiscrimination in SCCOE Programs and Activities
Code	BP 0410
Status	Active
Adopted	June 3, 2009
Last Revised	April 3, 2019
Last Reviewed	April 3, 2019

The Santa Clara County Office of Education (SCCOE) is committed to equal opportunity for all individuals in education. SCCOE's programs, activities, and practices shall be free from unlawful discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The SCCOE shall promote programs which ensure that discriminatory practices are eliminated in all SCCOE activities.

All individuals shall be treated equitably in the receipt of SCCOE and school services. Personally identifiable information collected in the implementation of any SCCOE 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 County Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the SCCOE 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.

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

Periodically, SCCOE facilities, programs, and activities shall be reviewed to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing SCCOE programs and activities, including the use of facilities. Prompt and reasonable actions shall be taken to remove any identified barrier.

All allegations of unlawful discrimination in SCCOE programs and activities shall be investigated and resolved in accordance with the law, County Board policy –on Uniform Complaint Procedures, and related County Superintendent-approved procedures

Pursuant to 34 CFR 106.9, the County Superintendent or Superintendent's designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the SCCOE's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parent notification distributed pursuant to Education Code 48980 and, as applicable, in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups and, as applicable, to the public. As appropriate, such notification shall be posted in SCCOE schools and offices, including staff lounges and other prominent locations and shall be posted on the SCCOE's web site and, when available, SCCOE-supported social media.

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. Such information may be provided through any other cost-effective means determined by the County Superintendent or designee.

The SCCOE'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

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

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

The County Superintendent has designated the following ADA Coordinator to receive requests for accommodation and to receive and investigate complaints regarding access to COE facilities, programs, services and activities:

Assistant Superintendent, Personnel Services
MC 264-A
1290 Ridder Park Drive
San Jose, CA 95131
(408) 453-6844

The County Superintendent or Superintendent's designee shall ensure that the SCCOE 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 SCCOE-supported websites, note takers, written materials, taped text, and Braille or large print materials.

Individuals with disabilities shall notify the County Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program or meeting.

The SCCOE shall develop a complaint procedure consistent with the Americans with Disabilities Act and with Section 504 of the Rehabilitation Act. The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the SCCOE's response to complaints and for complying with state and 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 SCCOE programs, services, activities, or facilities.

Personnel Related:

Assistant Superintendent
Human Resources Division, MC 264-A
1290 Ridder Park Drive San Jose, CA 95131

Student Related:

Assistant Superintendent
Student Services and Support Division, MC 271
1290 Ridder Park Drive
San Jose, CA 95131

BP 1312.3 Uniform Complaint Procedures

The Santa Clara County Board of Education (County Board) recognizes that the Santa Clara County Office of Education (SCCOE) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The SCCOE shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation and/or bullying, and seek to resolve those complaints in accordance with the procedures set out in 5 CCR 4600- 4687 and in accordance with the policies and procedures of the County Board and the accompanying administrative regulation.

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

1. Any complaint alleging failure to comply with state and/or federal laws in:
 - Accommodation for Pregnant and Parenting Pupils
 - Adult Education
 - After School Education and Safety
 - Agricultural Career Technical Education
 - Career Technical and Technical Education and Career Technical and Technical Training Programs
 - American Indian Education Centers and Early Childhood Education Program Assessments
 - Bilingual Education
 - Child Care and Development
 - Compensatory Education
 - Consolidated Categorical Aid Programs
 - Course Periods without Educational Content
 - Discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code (EC) sections 200 and 220 and Government Code Section 11135, including any actual or perceived characteristic as set forth in Penal Code Section 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in EC Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
 - Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, and pupils formerly in Juvenile Court now enrolled in a school district
 - Every Student Succeeds Act
 - Local Control and Accountability Plans (LCAP)
 - Migrant Education
 - Physical Education
 - Instructional Minutes
 - Pupil Fees
 - Reasonable Accommodations to a Lactating Pupil
 - Regional Occupational Centers and Programs
 - School Plans for Student Achievement
 - School Safety Plans
 - School Site Councils
 - State Preschool

- State Preschool and Health and Safety Issues in LEAs exempt from licensing

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) of the California Department of Education (CDE) or designee deems appropriate.

(cf. 3553 - Free and Reduced Price Meals) (cf. 3555 - Nutrition Program Compliance)

(cf. 5141.4 - Child Abuse Prevention and Reporting) (cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs) (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 complaints alleging unlawful discrimination, such as discriminatory harassment, intimidation, and/or bullying against any student, employee, or other person participating in SCCOE programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on their association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

Although complaints of sexual harassment may be addressed through the UCP, any complaint that meets the more stringent definition of sexual harassment pursuant to 34 CFR 106.30 shall be investigated and resolved in accordance with 34 CFR 106.44-106.45.

(cf. 0410 – Nondiscrimination in SCCOE Programs and Activities) (cf. 4119.12 - Title IX Sexual Harassment Complaint Procedures) (cf. 5145.3 – Nondiscrimination/Harassment)

(cf. 5145.7 – Sexual Harassment)

3. Any complaint alleging SCCOE noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)
4. Any complaint alleging SCCOE 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)
5. Any complaint alleging SCCOE noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 – Fees and Charges)

6. Any complaint alleging SCCOE 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)

(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 any student who is a foster youth as defined in Education Code 51225.2, alleging SCCOE noncompliance with any requirement applicable to the student regarding placement decisions, the responsibilities of the SCCOE’s educational liaison to the student, the award of credit for coursework satisfactorily completed in another school, district, or county; 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 an SCCOE school 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 as defined in Education Code 51225.2, 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 SCCOE noncompliance with any requirement applicable to the student regarding the grant of an exemption from any graduation requirements beyond state requirements (Education Code 51225.1)

(cf. 6173 – Education for Homeless Youth)

10. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, or a child of a military family as defined in Education Code 49701, 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 SCCOE 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 SCCOE 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)
12. Any complaint alleging SCCOE noncompliance with the physical education instructional minutes requirement (Education Code 51210, 51222, 51223)

13. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations (Education Code 8235.5; Health and Safety Code 1596.7925)
14. 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

At its discretion, the SCCOE may use the UCP for any other type of complaint as specified in a COE policy or regulation. (5 CCR 4610)

15. Any other complaint as specified in a SCCOE Board 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 County Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The SCCOE shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the County Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint if he/she is different from the complainant, 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 the UCP is included in a UCP complaint, the SCCOE 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 SCCOE's UCP.

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

(cf. 4131/4231/4331 – 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.

Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.

(c.f. 4141.4 - 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 employment discrimination or harassment shall be investigated and resolved by the SCCOE in accordance with the procedures specified in Superintendent Policy/Administrative Regulation 4030 –Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
4. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

In addition, the SCCOE's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 8235.5, 35186)

Adopted: September 16, 1992

Revised: May 18, 2005, June 3, 2009, May 15, 2013, June 18, 2014, October 7, 2015, December 13, 2017, September 5, 2018, July 17, 2019

BP 3513.3 Tobacco Free Schools

The Santa Clara County Board of Education recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

In the interest of public health the use of products containing tobacco or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, and clove cigarettes, and electronic cigarettes that can deliver nicotine and non-nicotine vaporized solutions at any time on SCCOE-owned or leased property, including charter schools, and in SCCOE vehicles at all times.

Information about the policy and enforcement procedures shall be communicated clearly to school personnel, parents, pupils, and the larger community. Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property as provided in Health and Safety Code Section 104559. Information about smoking cessation support programs shall be made available and encouraged for pupils and staff.

This policy applies to all students, staff, visitors, and civic use permit holders. However, this section does not prohibit the use or possession of prescription products, or other FDA-approved cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications on school property.

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground.

Policy SANTA CLARA COUNTY OFFICE OF EDUCATION

Adopted: October 20, 2010, San Jose, California

Revised: April 9, 2014, September 7, 2016

BP 5022 Student and Family Privacy Rights

Book Board Policies and Administrative Regulations

Section 5000 Students

Title Student and Family Privacy Rights

Code 5022 BP

Status Active

Adopted October 20, 2010

Last Revised September 5, 2018

Last Reviewed September 5, 2018

The Santa Clara County Board of Education respects the rights of SCCOE students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information and such information should be kept private in accordance with law.

The County 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 SCCOE shall not use surveys to collect social security numbers or the last four digits of social security numbers, or information or documents regarding citizenship or immigration status, of students or their families.

BP 5117 Interdistrict Attendance Appeals

Book	Board Policies and Administrative Regulations
Section	5000 Students
Title	Interdistrict Attendance Appeals
Code	5117 BP
Status	Active
Adopted	October 20, 2010
Last Revised	November 16, 2022
Last Reviewed	November 16, 2022

The Santa Clara County Board of Education (County Board) shall consider an appeal against any school district within the county for its denial of or refusal to issue an interdistrict transfer permit to a student, or for its denial or refusal to enter into an interdistrict transfer agreement with another school district for the student's attendance. (Education Code 46601)

A denial includes a school district's failure to provide written notification of the school district's decision within the timelines required by the Education Code or the district's refusal to approve an interdistrict transfer agreement to any school within the district. A denial does not include any of the following: a request that is deemed abandoned (as described in Education Code 46600.2), an existing interdistrict transfer permit that has been revoked or rescinded in accordance with the school district governing board's policy, or a denial by the school district of proposed enrollment when no permit has been issued by the school district of residence. (Education Code 46600.1)

If the request for an interdistrict transfer involves a school district located within Santa Clara County and a school district located in a different county, the County Board shall have jurisdiction if the denial of the permit, or the refusal or failure to enter into an agreement, is by the school district within the county. If both school districts deny the permit or refuse or fail to enter into an agreement, the County Board shall have jurisdiction only if the school district within the county is the student's district of residence. (Education Code 46601)

A parent or legal guardian may appeal a school district's decision regarding a request for interdistrict transfer within 30 calendar days of the district's final denial, or the district's denial or refusal to enter into an agreement allowing the interdistrict transfer. Failure by the parent/guardian to appeal within 30 calendar days of the date of the district's final denial is good cause for rejection of an appeal. (Education Code 46601)

The appeal shall be accepted only upon verification by the Santa Clara County Superintendent of Schools (County Superintendent) or designee that appeals within the districts have been exhausted pursuant to the procedures and timelines of the denying school district. (Education Code 46600.2, 46601)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending or during the term of the expulsion.(Education Code 46601)

Hearing

No later than 10 days prior to the hearing, the County Superintendent's designee shall serve upon all parties involved, notice of the appeal request.

The notice shall include details of the date, time and place of the hearing, and of the opportunity to submit written statements and documentation, and to be heard on the matter.

The County Board shall conduct a hearing within 30 calendar days after the appeal is filed, to determine whether the student should be permitted to attend school in the district of their choice. If it is impractical for the County Board to comply with the time requirement for the hearing, the County Board may extend the time period, for good cause, for up to an additional five school days. (Education Code 46601)

The designee of the County Superintendent shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the county board of education in reaching a decision. (Education Code 46601)

The Board hearing proceeds as follows:

1. The County Board President opens the hearing, identifies all participants, and addresses procedural matters.
2. Each party will have an opportunity to address the Board and summarize their position for 5 minutes (or longer as determined by the Board President). If an interpreter is used by a parent, the time allotted may be doubled at the discretion of the Board President.
3. Each party will have an opportunity to respond to the presentation of the other party or parties.
4. Board members may ask clarifying questions either during or after the presentation and responses.
5. The hearing will then be closed and the County Board of Education will deliberate in private to review the decision. If any representative of the SCCOE or the student is admitted to this deliberation, the representatives from the opposing party shall also be admitted.
6. After deliberating, the County Board will meet in open session and announce its decision.

Factors for consideration in Appeals

1. The student's psychological or physical well-being.
Information regarding a student's psychological or physical well-being must be supported by the written statement of a qualified professional.
2. A substantial danger to the student's health or safety.

A danger to the student's health or safety must be supported by the written statement of a qualified health expert, by police reports, by school records, or by other documentation.

3. A specialized and specific academic program or service, unavailable in the SCCOE of residence, but necessary to the student's career or academic objectives.

Such a program or service must be related to the student's career objectives or academic advancement and not based solely on the student's interests or desires, or on extracurricular activities or athletics.

4. Hardship resulting from lack of available or appropriate after school care options for the pupil in the SCCOE of residence.

The parent/guardian must demonstrate attempts to find appropriate care in the SCCOE of residence and must describe these attempts in the written materials provided when the appeal is filed.

5. A severe and demonstrated hardship to parents/guardians which could affect the student's success in school.

The parent/guardian must specify and describe the type of hardship in writing; "hardship" shall be understood to exclude inconvenience to the parents/guardians or matters of preference.

6. The student's desire to remain in his/her school of current attendance for the balance of the semester or school year.

The student's desire may be based on his/her anticipated promotion from the school of current attendance at the end of the semester or school year, or on a need for educational continuity for the remainder of the semester or school year.

7. The student's plan to move in the near future and desire to begin the semester or school year in his or her new school district.

The student and his/her parent/guardian must offer written proof of their plan to move into the SCCOE of proposed attendance; such written proof may be a rental agreement, a contract to purchase new property, or similar document.

8. The financial impact of educating the student (SCCOE of desired attendance) or of losing the student (SCCOE of residence).

In either case, the impacted district(s) must demonstrate in writing that the student's transfer would place an undue hardship on the district's resident students in terms of reduced services or other unacceptable outcomes.

9. The student's demonstrated failure to meet reasonable standards relating to behavior, attendance, or diligence to studies.

The demonstration of such failure must be based on a written explanation of the district's previous experience with the student under an inter-SCCOE transfer agreement or on other documented evidence.

10. Lack of space for the student in the receiving district.

The district of proposed transfer must demonstrate in writing that the student's transfer would result in an undue hardship on students in the district of attendance in terms of overcrowding and/or would be a violation of district policy or a collective bargaining agreement regarding class size goals.

11. The negative impact of the student's transfer on a court ordered or voluntary desegregation plan of either district.

The SCCOE must provide details about the court order or desegregation plan and provide written evidence of the anticipated negative impact of the student's transfer.

12. Other exceptional or extraordinary circumstances which would weigh heavily in favor of the appellate student or the affected school district.

The parent/guardian or school SCCOE must specify and describe the type of exceptional or extraordinary circumstance and its effect on the appellate student or the resident students of the district.

Final Order of the County Board

The County Board shall render its decision within three school days of the hearing unless the parent/guardian requests a postponement. (Education Code 46601) The County Board's decision is final and there is no method to appeal the Board's decision.

The County Board shall either grant or deny an appeal on its merits. However, if new evidence or grounds for the request are introduced, the County Board may remand the matter for further consideration by the district or districts. (Education Code 46601)

If the County Board determines that the student should be permitted to attend school in the school district proposed, the County Board shall determine the applicable period of attendance in that district, and the student shall be admitted to a school in that district without delay. The County Board is not authorized to order the specific school placement for the student. School placement, even after a successful appeal, is determined by the district of attendance. (Education Code 46601, 46602)

Parents/guardians and school districts shall be notified in writing of the decision of the County Board. (EducationCode 46602)

BP 5125 Student Records

Book	Board Policies and Administrative Regulations
Section	5000 Students
Title	Student Records
Code	5125 BP
Status	Active
Adopted	October 20, 2012
Last Revised	September 5, 2018
Last Reviewed	September 5, 2018

The Santa Clara County Board of Education (County Board) recognizes the importance of keeping accurate, comprehensive student records as required by law. The Santa Clara County Superintendent (County Superintendent) or designee shall establish 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 and shall while maintaining the confidentiality of student records consistent with stated and federal law.

The County Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records at the SCCOE 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.

All appropriate personnel shall receive training regarding SCCOE policies and procedures for gathering and handling sensitive student information.

The SCCOE 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.

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 County 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 SCCOE employee receives such a request, he/she shall immediately report the request to the County Superintendent. The County Superintendent shall ensure the confidentiality and privacy of any potentially identifying information.

Student Records from Social Media

The County Superintendent or designee may gather and maintain information from the social media of any SCCOE student, provided that the SCCOE first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety

Contract for Digital Storage, Management, and Retrieval of Student Records

The County 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.

BP 5131.2 Anti-Bullying Policy

The Santa Clara County Board of Education (SCCOE) is committed to creating a safe learning and working environment for all students and employees and to protect all students and employees from all forms of bullying, harassment, hazing, discrimination, or intimidation of any type for any reason.

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

The purpose of this policy is to provide a definition of bullying in order to prevent such conduct and to establish positive, collaborative school and work environments with clear rules for student and employee conduct. As needed, employees shall receive professional development in the appropriate use of these resources.

The County Superintendent or designee shall post on the SCCOE's web site, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The SCCOE's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6
2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
3. Title IX information included on the SCCOE's web site pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's web site pursuant to Education Code 221.6
4. SCCOE policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5.
7. Any additional information the County Superintendent or designee deems important for preventing bullying and harassment

Definitions

Bullying/harassment

Bullying or harassment of students or staff includes, but is not limited to: cyberbullying, intimidation, hazing or initiating activity, extortion, or any other verbal, written, or physical conduct that causes, is perceived to cause, threatens, or is perceived to threaten violence, bodily harm, or substantial disruption in accordance with the following section.

Bullying is defined as any severe, systematic, or pervasive physical or verbal act or conduct that causes pain or psychological distress on one or more students or employees. Bullying includes unwanted written, verbal, nonverbal, or physical behavior including, but not limited to, any threatening, insulting, or dehumanizing gesture by a student or adult that causes any reasonable person to experience a detrimental effect on his or her physical or mental health and that has the potential to create a negative educational or workplace environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or workplace performance or participation, is carried out repeatedly and is often characterized by an imbalance of power.

Bullying may involve, but is not limited to:

1. Unwanted teasing
2. Threatening
3. Intimidating
4. Stalking
5. Cyberstalking
6. Cyberbullying
7. Physical violence
8. Theft
9. Hate violence
10. Sexual (including sexual orientation), religious, or racial harassment
11. Public humiliation
12. Harassment
13. Destruction of school or personal property
14. Social exclusion, including, incitement and/or coercion
15. Rumor or spreading of falsehoods

In addition, Penal Code 653.2 makes it a crime to distribute another person's personally identifiable information electronically with the intent to cause harassment by a third party and to threaten a person's safety or that of his/her family (e.g., placing a person's address online so that he/she receives harassing messages). Cyberbullying is sometimes referred to as Internet bullying or electronic bullying.

Cyberbullying includes the creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other 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.

Cyberbullying can be a carryover of verbal or physical bullying that occurs in the school or workplace environments.

Cyberstalking means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Bullying, Cyberbullying and/or Harassment also encompass:

- Retaliation against a student or employee by another student or employee for asserting or alleging an act of bullying, harassment, or discrimination.
- Reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
- Perpetuation of conduct listed in the definition of bullying, harassment, and/or discrimination by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or employee by incitement or coercion; accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the school or COE system; or acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination.

Bullying, Cyberbullying, Harassment, Discrimination also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in its education programs or admissions to education programs and therefore prohibits bullying of any student or employee by any County Board member, employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or organization or outside the school or organization at school or organization sponsored events, on school buses, and at training facilities or training programs sponsored by the organization.

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or employee that:

Places a student or employee in reasonable fear of harm to his or her person or damage to his or her property;

- Has the effect of substantially interfering with a student's educational performance, or employee's work performance, or either's opportunities, or benefits;
- Has the effect of substantially negatively impacting a student's or employee's emotional or mental well-being; or
- Has the effect of substantially disrupting the orderly operation of a school and/or SCCOE work environment.

Sexual Harassment as defined by the US Equal Employment Opportunity Commission means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment exists when submission to such conduct is made, explicitly or implicitly, a condition of employment; when submission to or rejection of such conduct is used in employment decisions affecting an individual; or when such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Expectations of Conduct

The County Board and County Superintendent expects students and employees to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds or SCCOE property, while going to or coming from school or work, while at school activities, and while on public transportation.

The SCCOE prohibits the bullying of any student or employee:

1. During any educational program or activity conducted by the SCCOE;
2. During any SCCOE-related or SCCOE-sponsored program or activity or on a SCCOE school bus;
3. Through the use of any electronic device or data while on SCCOE school grounds or on a SCCOE school bus, computer software that is accessed through a computer, computer system, or computer network of the SCCOE. The physical location or time of access of a computer related incident cannot be raised as a defense in any disciplinary action initiated under this section;
4. Through threats using the above to be carried out on SCCOE grounds. This includes threats made outside of school hours, which are intended to be carried out during any school-related or school-sponsored program or activity or on a SCCOE school bus.
5. While the SCCOE does not assume any liability for incidences that occur at a bus stop or en route to and from school, a student or witness may file a complaint following the same procedures for bullying against a student and the SCCOE will investigate and/or provide assistance and intervention as the principal/designee deems appropriate
6. Though an incident of alleged bullying as defined within this policy may occur off campus and may not entail threats of acts to occur during school hours, if a student's ability to receive an education or a school's ability to provide an education is significantly impaired, as determined by the school administrators, disciplinary sanctions may be issued.

Enforcement of Standards

The Santa Clara County Superintendent of Schools or designee shall ensure that each school site develops standards of conduct and discipline consistent with SCCOE policies and administrative regulations. Students and parents/guardians shall be notified of SCCOE and school rules related to conduct.

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

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report 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.

Any student who engages in bullying as described within this policy while on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with SCCOE policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the County Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

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

Bullying Prevention

To the extent possible, schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of SCCOE and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

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

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

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

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

Based on an assessment of bullying incidents at school, the County Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the County Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so.

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

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

Discipline

Students who violate SCCOE or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of the privilege of participation in extracurricular or co-curricular activities in accordance with County Board policy and administrative regulation. The County Superintendent or designee shall notify local law enforcement as appropriate.

When conducting hearings related to discipline, attendance and other student matters, The SCCOE shall afford students their due process rights in accordance with law.

Reporting

The County Superintendent or designee shall establish and publicize to students, staff, volunteers, and parents how to report bullying and actions that may be taken.

The process for receiving and investigating instances of bullying of any kind, as defined within this policy, includes complaints of discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics.

SCCOE personnel who witness such acts of bullying as defined within this policy shall take immediate steps to intervene when safe to do so. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

Reporting any act of bullying:

- At each SCCOE location, the principal/designee is responsible for receiving oral or written complaints alleging violations of this policy, as well as any infractions of the Student Conduct policy.
- Students may report complaints of bullying to any SCCOE employee. Any such reports of bullying allegations must be made, in writing, to the principal/designee or other appropriate administrator/designee.

Any member of the school community who may have credible information about an act of bullying that may have taken place may file a report of bullying either as a witness or a victim.

Any student (or a parent or guardian on behalf of the complainant who is a minor) who believes he/she is a victim of bullying, has witnessed an act of bullying, or has knowledge of any incidents involving acts of bullying are strongly encouraged to report the incidents to a school official.

- A student, employee, volunteer, contractor, parent/guardian, or other persons who promptly reports in good faith an act of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in the policy, is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments within the SCCOE.
- Administrators/principal/designee(s) shall document in writing all complaints regarding bullying to ensure that incidents of bullying, or any other infractions, are appropriately addressed in a timely manner, whether the original report of bullying is made verbally or in writing.
- Anonymous reports of bullying may be made to the appropriate school official. School officials should develop and publicize a system in which students, employees, volunteers, parents/guardians can make an anonymous report of bullying.

Investigation of Complaints

The investigation of a reported act of bullying of a student, employee, parent/guardian or other persons providing service to the school is deemed to be a school related activity and begins with a report of such an act.

The principal/designee and/or Investigative Designee shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. This process is to be followed with all anonymous complaints as well. Although this Policy encourages students to use the formal written complaint process, school officials "should investigate all complaints and reports of harassment, whether or not the complaint is in writing," as stated by the Office for Civil Rights in *Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II (1999)*.

If the complaint is about the principal or a staff member's direct supervisor, then the County Superintendent or designee or appropriate administrator shall be asked to address the complaint.

The trained Investigative Designee(s) will make the determination if a reported act of bullying or harassment falls within the scope of SCCOE policies and regulations.

- If it is within the scope of SCCOE policies and regulations, move to Procedures for Investigating Bullying and/or Harassment as outlined below.
- If it is outside the scope and determined an alleged criminal act, refer to appropriate law enforcement, provide any applicable interventions, and document according to Policy.
- If it is outside the scope and determined not a criminal act, inform parents/guardians of all students involved, provide appropriate interventions and document according to Policy.

Internal Investigation:

1. The procedures for investigating school-based bullying must include the principal/designee and/or the Investigative Designee, in the case of student-to-student bullying. The principal, Investigative Designee and Prevention Liaison shall be trained in investigative procedures and interventions as outlined in this Policy. For incidents at the area or for school-based adult-on adult bullying, the appropriate administrator will be responsible for the investigation as outlined in this policy and will run concurrently and in addition, to all agreed upon procedures for staff discipline
2. The investigator may not be the accused or the alleged victim.
3. The principal/designee or appropriate administrator shall begin a thorough investigation with the alleged victim and accused within two school days of receiving a notification of complaint. The school administrators/designees will provide immediate notification to the parents of both the victim and the alleged perpetrator of an act of bullying or harassment.
4. During the investigation, the principal/designee or appropriate administrator may take any action necessary to protect the complainant, alleged victim, other students or employees consistent with the requirements of applicable regulations and statutes.
 - Documented interviews of the alleged victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim to be interviewed together.
 - At no time during the investigation will the name of the complainant be revealed by the investigator.
 - In general, student complainants and/or alleged victims will continue attendance at the same school and pursue their studies as directed while the investigation is conducted, and the complaint is pending resolution. Any legal order of a court will prevail.
 - When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/designee or appropriate administrator also may discuss the complaint with any SCCOE employee, the parent of the alleged victim, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and/or child protective agencies responsible for investigating child abuse.
 - During the investigation where an employee is the accused, the principal/designee or the appropriate administrator may recommend to the Chief Schools Officer and/or Chief Human Resources Officer/designee, any action necessary to protect the complainant, the alleged victim, or other students or employees, consistent with the requirements of applicable statutes, County Board policies, and collective bargaining agreements.
 - Within 10 school days of the notification as to the filing of the complaint, there shall be a written decision by the Principal/Designee or appropriate administrator regarding the completion and determination of the investigation. The principal/designee shall make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the School Program Discipline Plan.

- The Principal/Designee or appropriate administrator will inform all relevant parties in writing of the decision and the right to appeal. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems.
- If the accused is an employee, discipline may be taken, consistent with any applicable collective bargaining agreement provisions, to resolve a complaint of bullying. The supervisor/designee of the employee shall discuss the determination and any recommended corrective action with the appropriate supervisor and the Chief Human Resources Officer or designee.
- No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint and if it occurs, it shall be deemed an additional act of bullying as stated herein this Policy.

Informal Resolution

The administrator, along with the alleged victim and the accused/student, may agree to informally resolve the complaint. Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately and are confidential. Each individual (victim, alleged perpetrator and witnesses) will be interviewed separately, and at no time will the alleged perpetrator and victim be interviewed together. Each party's agreement to Informal Resolution must be in writing.

Formal Resolution

The alleged victim/complainant/student/employee or parent(s), on behalf of the student, may file a written complaint with the principal/designee or appropriate administrator.

Based on the level of infraction, parents will be promptly notified of any actions being taken to protect the victim via written notice, telephone or personal conference; the frequency of notification will depend on the seriousness of the bullying incident.

External Investigation

If the act is outside the scope of the SCCOE, and determined a criminal act, referral to appropriate law enforcement shall be made immediately, the parent will be notified, and the referral documented by the principal/designee in the specified format.

While SCCOE does not assume any liability for incidences that must be referred for external investigation, it encourages the provision of assistance and intervention as the principal/designee deems appropriate, including the use of School Resource Officer or other personnel. The principal/designee shall log all reports and interventions.

Prevention

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

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians, students, and community members also may be provided with similar information.

BP 5131.62 Tobacco

Book Board Policies and Administrative Regulations

Section 5000 Students

Title Tobacco

Number 5131.62 BP

Status Active

Adopted October 20, 2010

Last Revised April 9, 2014

Last Reviewed April 9, 2014

The Santa Clara County Board of Education recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Santa Clara County Superintendent of Schools or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education, and intervention and cessation activities and/or referrals.

Prohibition Against Tobacco Use

Students shall not smoke or use tobacco, or any product containing tobacco or nicotine including nicotine delivery devices such as e-cigarettes, while on campus, while attending school-sponsored activities, or while under the supervision and control of Santa Clara County Office of Education employees. This prohibition does not include students' possession or use of their own prescription products.

Intervention/Cessation Services

The SCCOE may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use.

BP 5132 Dress and Grooming

Book	Board Policies and Administrative Regulations
Section	5000 Students
Title	Dress and Grooming
Number	5132 BP
Status	Active
Adopted	October 20, 2010
Last Revised	October 20, 2010
Last Reviewed	October 20, 2010

The Santa Clara County Board of Education believes that appropriate dress and grooming contribute to a productive learning environment. The County Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

Gang-Related Apparel

The principal, staff and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the County Board for approval. The County Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

Uniforms

In order to promote student safety and discourage theft, peer rivalry and/or gang activity, the principal, staff and parents/guardians at a school may establish a reasonable dress code requiring students to wear uniforms. Such a dress code may be included as part of the school safety plan and must be presented to the County Board for approval. The County Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

If a school's plan to require uniforms is adopted, the Santa Clara County Superintendent of Schools or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians so decide.

The County Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

BP 5145.13 Response to Immigration Enforcement

Book Board Policies and Administrative Regulations

Section 5000 Students

Title Response to Immigration Enforcement

Code 5145.13 BP

Status Active

Adopted September 5, 2018

Last Revised September 5, 2018

Last Reviewed September 5, 2018

The County Board of Education and the County Superintendent of Schools is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

SCCOE staff shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at SCCOE schools, except as may be required by state and federal law.

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the SCCOE's programs and activities on the basis of his/her immigration status.

The County Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement

Consistent with requirements of the California Office of the Attorney General, the County Superintendent or designee shall develop procedures for addressing any requests by a law enforcement officer for access to SCCOE records, school sites, or students for the purpose of immigration enforcement.

Teachers, school administrators, teachers, and other SCCOE staff shall receive training regarding immigration issues, including information on responding to a request from an immigration officer to visit a school site or to have access to a student.

The County Superintendent or designee shall report to the Board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information.

BP 5145.3 Nondiscrimination/Harassment

The Santa Clara County Board of Education (County Board) and the County Superintendent of Schools are committed to working together to provide a safe school environment that allows all students equal access and opportunities in the Santa Clara County Office of Education's (SCCOE) academic, extracurricular, and other educational support programs, services, and activities. The County Board prohibits, at any SCCOE school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, immigration status, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression, military status 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 SCCOE 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.

This policy applies to all acts related to school activity or school attendance within a school or program under the jurisdiction of the County Superintendent, 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.

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 any SCCOE school. Program, or activity or the provision or receipt of educational benefits or services, such as prohibiting a student from enrolling in a class or course on the basis of the student's sex.

When, as permitted by law, the SCCOE maintains sex-segregated facilities, such as restrooms and locker rooms, or sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be allowed to access facilities and participate in programs and activities, class discussions, yearbook pictures, and field trips consistent with their gender identity. Each student's gender identity shall be the gender asserted by the student. Transgender and gender-nonconforming students shall be afforded the same rights, benefits, and protections as all SCCOE students.

The County 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 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 County Superintendent or designee shall facilitate students' access to the educational program by publicizing the SCCOE's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, advisory committees, appropriate private school officials, and other interested parties. 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 County Superintendent or designee shall regularly review the implementation of the SCCOE's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the SCCOE's educational program. He/she shall report his/her findings and recommendations to the Board after each review.

Complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, or retaliation may be filed in accordance with the County Board's uniform complaint procedures and the processes established by the County Superintendent for investigating and resolving such complaints. 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, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension, and/or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

County Superintendent's Antidiscrimination Measures

The County Board hereby incorporates by reference the policies, procedures, and measures implemented by the County Superintendent to prevent or address unlawful discrimination in COE schools, programs, and activities, including, but not limited to, the following:

Designation of a coordinator/compliance officer to handle complaints alleging unlawful discrimination

Posting of information regarding Title IX prohibitions against discrimination based on a student's actual or perceived sexual orientation, gender or sex (including gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, immigration status, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state or local law, ordinance, or regulation

Publicizing of the SCCOE's nondiscrimination policies and complaint procedures

Provision of training and information about the SCCOE's nondiscrimination policies and complaint procedures, including information related to state and federal laws pertaining to the rights of transgender and gender-nonconforming students, to students, parents/guardians, SCCOE employees, and others as applicable

Establishment of a complaint process that ensures a prompt and fair resolution of complaints

Provision of annual notification required by law

Maintenance of student records in accordance with law

BP 5145.7 Sexual Harassment

The Santa Clara County Board of Education and the County Superintendent of Schools are committed to maintaining a safe school environment that is free from harassment and discrimination. Sexual harassment targeted at any student in a SCCOE program, school, or school-sponsored or school-related activity is prohibited. Additionally, retaliatory behavior or action against any person who reports, files a complaint, or testifies about, or otherwise supports a complaint in alleging sexual harassment is prohibited.

The County Board strongly encourages any student who feels they are or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or adult, or who has experienced an off-campus sexual harassment incident that involved anyone with whom the student may continue to have contact on campus, to immediately contact their teacher, the principal or program administrator, or any other available school employee. Reports to or observations by SCCOE employees of sexual harassment of students shall be addressed in accordance with law and the related County Superintendent regulation.

Complaint Process and Disciplinary Actions

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and SCCOE Uniform Complaints Procedures. All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (SCCR 4964)

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this County Board policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion.

Notifications

A copy of the SCCOE's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of SCCOE rules, regulations, procedures, and standards of conduct are posted (Education code 231.5)
3. Be posted on SCCOE and program/school web sites and, when available, on SCCOE supported social media
4. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
5. Appear in any publication that set forth the program's/school's or SCCOE's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
6. Be included in the student handbook
7. Be provided to the County Superintendent for distribution to employees and employee organizations.

BP 5145.9 Hate-Motivated Behavior

The Santa Clara County Board of Education (County Board) supports the commitment of the County Superintendent of Schools (County Superintendent) of 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.

(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities) (cf. 0415 – Equity)

(cf. 0460 – Local Control and Accountability Plan) (cf. 5131.2 – Bullying)

(cf. 5141.52 - Suicide Prevention)

(cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5145.7 – Sexual Harassment)

Hate-motivated behavior is any behavior intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, 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.

The County Superintendent supports collaboration with regional programs and community organizations to promote an environment where diversity is celebrated, and hate-motivated behavior is not tolerated. These efforts shall focus on the development of effective prevention strategies and response plans, provision of assistance to students affected by hate-motivated behavior, and/or education of students who have perpetrated hate-motivated acts.

Hate-motivated behavior may be addressed with strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and timely respond to such incidents when they occur.

(cf. 1020 - Youth Services)

(cf. 5148.3 - Birth to Five Early Care and Education) (cf. 6020 - Parent Involvement)

The SCCOE provides age-appropriate instruction that:

1. Includes the development of social-emotional learning
2. Promotes an understanding, awareness, appreciation, and respect for human rights, human relations, diversity, inclusion, and acceptance in a multicultural society
3. Explains the harm and dangers of explicit and implicit biases
4. Discourages discriminatory attitudes and practices
5. Provides strategies to manage conflicts constructively.

As necessary, counseling, guidance, and support will be provided to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

When appropriate, students who engage in hate-motivated behavior shall be disciplined.

(cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes)

Any training provided by the County Superintendent for staff who serve students in grades 7-12 should:

1. Promote an understanding of diversity, equity, and inclusion
2. Discourage the development of discriminatory attitudes and practices
3. Include social-emotional learning and nondiscriminatory instructional and counseling methods
4. Support the prevention, recognition, and response to hate-motivated behavior
5. Raise the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior
6. Include effective enforcement of rules for appropriate student conduct

Any rules prepared by the County Superintendent prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident shall be provided to students, staff, and parents/guardians.

This policy shall be posted in a prominent location on the Santa Clara County Office of Education's (SCCOE) web site in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

Complaints

The County Superintendent is responsible for ensuring that any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident immediately contacts the compliance officer responsible for coordinating the SCCOE's response to complaints and complying with state and federal civil rights laws.

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

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the SCCOE's uniform complaint procedures specified in BP 1312.3 - Uniform Complaint Procedures or other applicable procedure.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)

Legal Reference:

EDUCATION CODE

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 GOVERNMENT CODE

11135 Prohibition of discrimination in programs or activities 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
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
106.30 Discrimination on the basis of sex in education programs and activities; definitions
106.44 Recipient's response to sexual harassment
106.45 Grievance process for formal complaints of sexual harassment
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's K-12 Schools in Responding to Immigration Issues, April 2018
HUMAN RIGHTS CAMPAIGN FOUNDATION PUBLICATIONS
California LGBTQ Youth Report, 2019
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>
California Office of the Attorney General: <http://oag.ca.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>
U.S. Department of Justice: <http://www.justice.gov>

BP 5146 Married/Pregnant/Parenting Students

The Santa Clara County Board of Education recognizes that early marriage, pregnancy, or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The County Board and County Superintendent of Schools therefore desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children.

The Santa Clara County Office of Education (SCCOE) shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. In addition, the SCCOE shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. (Education Code 222.5; 34 CFR 106.40)

The Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available to them under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)
For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved. (Family Code 7002)

Education and Support Services for Pregnant and Parenting Students

Pregnant and parenting students shall retain the right to participate in any comprehensive school or educational alternative program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or his/her child.

Any education program or activity that is offered separately to pregnant students, including any class or extracurricular activity, shall be equal to that offered to other SCCOE students. A student's participation in such programs shall be voluntary. (5 CCR 4950)

As required for other students with physical or emotional conditions or temporary disabilities, the County Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician indicating that the student is physically and emotionally able to participate in an educational program or activity. (34 CFR 106.40)

To the extent feasible, educational and related support services shall be provided, either through the SCCOE or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

1. Childcare and development services for the children of parenting students on or near school site(s) during the school day and during school-sponsored activities
2. Parenting education and life skills instruction

3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28
4. Health care services, including prenatal care
5. Tobacco, alcohol, and/or drug prevention and intervention services
6. Academic and personal counseling
7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

Absences

Pregnant or parenting students may be excused for absences related to confidential medical appointments in accordance with BP/AR 5113 - Absences and Excuses.

The County Superintendent or designee shall grant a student a leave of absence due to pregnancy, childbirth, false pregnancy, termination of pregnancy, and related recovery for as long as it is deemed medically necessary by a physician. At the conclusion of the leave, the student shall be reinstated to the status held when the leave began. (34 CFR 106.40)

A parenting student may request exemption from attendance because of personal services that must be rendered to a dependent.

Reasonable Accommodations

When necessary, the SCCOE shall provide reasonable accommodations to pregnant and parenting students to enable them to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. (34 CFR 106.40)

The SCCOE school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child

2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Complaints

Any complaint of discrimination on the basis of pregnancy or marital or parental status shall be addressed through the SCCOE's uniform complaint procedures in accordance with 5 CCR 46004687 and BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint alleging SCCOE noncompliance with the requirements to provide reasonable accommodations for lactating students also may be filed in accordance with the SCCOE's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with the SCCOE's decision may appeal the decision to the California Department of Education (CDE). If the SCCOE or the CDE finds merit in an appeal, the SCCOE shall provide a remedy to the affected student. (Education Code 222; 5 CCR 4600-4687)

SP 6020 Parent and Family Engagement

Book Board Policies and Administrative Regulations

Section 6000 Instruction

Title Parent and Family Engagement

Number 6020 SP

Status Active

Adopted June 3, 2009

Last Revised January 19, 2022

Last Reviewed January 19, 2022

The Santa Clara County Board of Education recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent involvement in the education of their children contributes greatly to student achievement and a positive school environment.

The Santa Clara County Office of Education (SCCOE) has developed jointly with, agreed on with, and distributed to, parents and family members of participating children, an LEA-level written parent and family engagement policy.

The SCCOE shall annually update the SCCOE Parent and Family Engagement Policy in conjunction with the completion and approval of the Local Control Accountability Plan (LCAP). Parent and family input are solicited through the Annual LCAP Survey and stakeholder engagement activities associated with development of the LCAP and the School Plans for Student Achievement. The SCCOE Parent and Family Engagement Policy is reviewed annually by the Parent Advisory Committee (PAC) and the SCCOE English Learner Advisory Committee (DELAC) and distributed annually to all parents, staff members, and interested parties.

(cf. 0420 - School Plans/Site Councils)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1240 - Volunteer Assistance)

(cf. 1250 - Visitors/Outsiders)

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5145.6 - Parental Notifications)

The County Superintendent or designee shall regularly evaluate and report to the County Board on the effectiveness of the SCCOE parent and family engagement efforts, including, but not limited to, input from parents/guardians and school staff on the adequacy of parent involvement opportunities and barriers that may inhibit parent/guardian participation.

Legal Reference:

EDUCATION CODE

5CCR 18275 Child care and development programs, parent involvement and education

11500-11505 Programs to encourage parent involvement

48985 Notices in languages other than English

51101 Parents Rights Act of 2002

52060-52077 Local control and accountability plan

54444.1-54444.2 Parent advisory councils, services to migrant children

56190-56194 Community advisory committee, special education

64001 Single plan for student achievement

LABOR CODE

230.8 Time off to visit child's school

UNITED STATES CODE, TITLE 20

6311 Parental notice of teacher qualifications and student achievement

6312 Local educational agency plan

6314 Schoolwide programs

6316 School improvement

6318 Parent involvement

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions, auxiliary aids and services

35.160 Communications

Management Resources:

CSBA PUBLICATIONS

Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services
Policy Briefs, August 2006

STATE BOARD OF EDUCATION POLICIES

89-01 Parent Involvement in the Education of Their Children, rev. 1994

U.S. DEPARTMENT OF EDUCATION NON-REGULATORY GUIDANCE

Parental Involvement: Title I, Part A, April 23, 2004

WEB SITES

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

California Department of Education, Family, School, Community Partnerships: <http://www.cde.ca.gov/ls/pf>

California Parent Center: <http://parent.sdsu.edu>

California State PTA: <http://www.capta.org>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

National PTA: <http://www.pta.org>

No Child Left Behind: <http://www.ed.gov/nclb>

Parent Information and Resource Centers: <http://www.pirc-info.net>

Parents as Teachers National Center: <http://www.parentsasteachers.org>

U.S. Department of Education: <http://www.ed.gov>

BP 6111 School Calendar

Book	Board Policies and Administrative Regulations
Section	6000 Instruction
Title	School Calendar
Number	6111 BP
Status	Active
Adopted	July 15, 2009
Last Revised	July 15, 2009
Last Reviewed	July 15, 2009

The Santa Clara County Superintendent of Schools or designee shall recommend to the Santa Clara County Board of Education a calendar for each school that will meet the requirements of law as well as the needs of the community, students and the work year as negotiated with represented personnel.

Each school calendar shall show the beginning and ending school dates, legal and local holidays, orientation meeting days, minimum days, vacation periods and other pertinent dates.

Santa Clara County Office of Education shall offer a minimum of 180 days of instruction per school year.

Staff development days shall not be counted as instructional days.

Notification of the schedule of minimum days shall be sent to all parents/guardians at the beginning of the school year. If any minimum days are added to the schedule, the County Superintendent or designee shall notify parents/guardians of the affected students as soon as possible and at least one month before the scheduled minimum day.

If a school will be used as a polling place on an election day, the County Board shall determine whether to continue school in session, designate the day for staff training and development, or close the school to students and non-classified staff.

BP 6142.1 Sexual Health and HIV/AIDS Prevention Instruction

Book	Board Policies and Administrative Regulations
Section	6000 Instruction
Title	Sexual Health and HIV/AIDS Prevention Instruction
Number	6142.1 BP Status
Active Adopted	July 15, 2009
Last Revised	July 15, 2009
Last Reviewed	July 15, 2009

The Santa Clara County Board of Education recognizes that the purpose of sexual health and HIV/AIDS prevention instruction is to provide students with the knowledge and skills necessary to protect them from unintended pregnancy and sexually transmitted diseases and to encourage students to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family. The County Board therefore desires to provide a well-planned sequence of instruction on comprehensive sexual health and HIV/AIDS prevention.

The Santa Clara County Office of Education curriculum shall be aligned with the state's content standards, based on medically accurate and factual information, and designed to teach students to make healthy choices and reduce high- risk behaviors. The program shall comply with the requirements of law, Board policy, and administrative regulation and shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

The Santa Clara County Superintendent of Schools or designee may appoint a coordinator and/or an advisory committee regarding SCCOE's comprehensive sexual health program. The advisory committee shall represent a divergence of viewpoints and may participate in planning, implementing, and evaluating the comprehensive sexual health education program. The County Board shall consider the advisory committee's recommendations when approving SCCOE's program.

Parent/Guardian Consent

A parent/guardian may request in writing that his/her child be excused from participating in HIV/AIDS prevention or sexual health education. Students so excused by their parents/guardians shall be given an alternative educational activity.

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction.

BP 6143 Courses of Study

Book	Board Policies and Administrative Regulations
Section	6000 Instruction
Title	Courses of Study
Number	6143 BP
Status	Active
Adopted	September 16, 2009
Last Revised	May 4, 2022
Last Reviewed	May 4, 2022

The Santa Clara County Board of Education recognizes that a well-aligned sequence of courses fosters academic progress and provides for the best possible use of instructional time. The Santa Clara County Office of Education's (SCCOE) course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful academically, professionally, social-emotionally, and personally.

The Santa Clara County Superintendent of Schools (County Superintendent) or designee shall establish processes for ensuring the articulation of courses across grade levels within the SCCOE. As necessary, the County Superintendent or designee shall work with representatives of appropriate area districts and postsecondary institutions to ensure articulation of courses with other institutions to which students may matriculate. The sequence of courses shall be designed to ensure that each course provides adequate preparation for the next course in the sequence, only utilizes prerequisites that are essential to success in a given program or course, avoids significant duplication of content, and allows for reinforcement and progression in the subject matter.

The SCCOE shall not provide any course separately or require or refuse participation by any student on the basis of the student's actual or perceived sex, sexual orientation, gender, gender expression, gender identity, ethnic group identification, immigration status, race, ancestry, national origin, religion, color, mental or physical disability, or any other characteristic listed in Education Code 200 and 220, Government Code 11135, or Penal Code 422.55, or the student's association with a person or group with one or more of such actual or perceived characteristics. (Education Code 200, 220; Government Code 11135; Penal Code 422.55; 5 CCR4940)

Elementary Grades

The County Board shall adopt a course of study for elementary grades within SCCOE programs that sufficiently prepares students for the secondary school course of study.

Secondary Grades

The SCCOE shall offer all otherwise qualified students in grades 7-12 a course of study that, upon graduation from high school, prepares them to meet the requirements and prerequisites for admission to California public colleges and universities and/or attain entry-level employment skills in business or industry. The SCCOE's course of study may provide for a rigorous academic curriculum that integrates academic and career skills, includes applied learning across all disciplines, and prepares all students for high school graduation and career entry. (Education Code 51228)

In addition, the course of study for students in grades 9-12 may include instruction in skills and knowledge for adult life, career technical training, and a timely opportunity for all otherwise qualified students to enroll, within four years, in each course necessary to fulfill the requirements and prerequisites for admission to California public colleges and universities prior to graduation. (Education Code 51224, 51228)

In addition, the course of study for high school students shall include instruction in skills and knowledge for adult life and career technical training.

The County Superintendent or designee shall develop a process by which courses that meet California college admission criteria (referred to as "a-g" course requirements) are submitted to the University of California (UC) for review and certification. The County Superintendent shall maintain an accurate list of all current high school courses that have been so certified, shall ensure that the list is provided annually to each student in grades 9-12 and their parents/guardians, and shall make updated lists readily available. (Education Code 51229, 66204)

At the beginning of each school year, the County Superintendent or designee shall provide written notice to parents/guardians of students in grades 9-12 that, to the extent possible, shall not exceed one page in length and that includes all of the following: (Education Code 51229)

1. A brief explanation of the college admission requirements
2. A list of the current UC and California State University (CSU) web sites that help students and their families learn about college admission requirements and that list high school courses that have been certified by UC as satisfying the requirements for admission to UC and CSU
3. A brief description of what career technical education is, as defined by the California Department of Education (CDE)
4. The Internet address for the portion of the web site of the CDE where students can learn more about career technical education
5. Information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or enroll in career technical education courses

BP 6146.1 High School Graduation Requirements for SCCOE Students

Book	Board Policies and Administrative Regulations
Section	6000 Instruction
Title	High School Graduation Requirements for SCCOE Students
Code	6146.1 BP
Status	Active
Adopted	October 21, 2009
Last Revised	August 4, 2021
Last Reviewed	August 4, 2021
Prior Revised Dates	May 16, 2012, September 17, 2014, May 4, 2016, March 1, 2017, September 19, 2018, March 3, 2021

The Santa Clara County Board of Education (County Board) desires to prepare all students to obtain a high school diploma to enable them to take advantage of opportunities for postsecondary education and/or employment.

(cf. 5127 - Graduation Ceremonies and Activities) (cf. 5147 - Dropout Prevention)

(cf. 6011 – Academic Standards) (cf. 6143 - Courses of Study)

(cf. 6146.3 - Reciprocity of Academic Credit)

Course Requirements

Santa Clara County Office of Education students will complete 200 credits for graduation. To obtain a high school diploma, students shall complete at least the following course credits in grades 9-12, except for students who are exempted from certain course requirements as identified below. Each course shall be one year unless otherwise specified. Ten units of credit shall be granted for the successful completion of a year's study of a particular course:

1. Thirty credits in English (Education Code 51225.3) (cf. 6142.91 - Reading/Language Arts Instruction)
2. Twenty credits in mathematics (Education Code 51225.3)

At least one mathematics course, or a combination of the two mathematics courses shall meet or exceed state academic content standards for Algebra I or Mathematics I. Completion of such coursework prior to grade 9 shall satisfy the Algebra I or Mathematics I requirement, but shall not exempt a student from the requirement to complete two mathematics courses in grades 9-12. (Education Code 51224.5)

Students may be awarded up to one mathematics course credit for successful completion of an approved computer science course that is classified as a "category c" course based on the "a-g" course requirements for college admission. (Education Code 51225.3, 51225.35)

(cf. 6011 - Academic Standards)
(cf. 6142.92 - Mathematics Instruction)

3. Twenty credits in science, including biological and physical sciences (Education Code 51225.3) (cf. 6142.93 - Science Instruction)

4. Thirty credits in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)
(cf. 6142.3 - Civic Education)

5. Twenty credits in visual or performing arts, world language, or American Sign Language or career technical education (CTE) (Education Code 51223)

(cf. 6178 - Career Technical Education)
(cf. 6178.2 - Regional Occupational Center/Program)

6. Twenty credits in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

(cf. 6142.7 - Physical Education and Activity)

7. Ten credits in computer applications

8. Ten credits in life skills, health and HIV/AIDS prevention and instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard. (Education Code 51225.36)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction) (cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6142.8 - Comprehensive Health Education)

9. Forty credits in general electives

Subject	Course Requirements for Graduation
English	30
Mathematics	20
Science	20
Social Studies	30
Visual/Performing Arts, World Language/ASL, CTE	20
Physical Education	20
Computer Applications	10
Life Skills/Health	10
Electives	40
Total	200

Students do have the option to earn credits for service learning/community service classes or complete a senior multidisciplinary project if these options are available. However, these course credits are optional and are not required for graduation. Because the prescribed course of study may not accommodate the needs of some students, County Board shall provide alternative means for the completion of prescribed courses in accordance with law.

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities) Course Requirement Exemptions

The County Superintendent or Superintendent’s designee shall exempt or waive specific course requirements for foster youth, homeless students, children of military families, or students in grades 11 or 12 during the 2020-2021 school year who are not on track to graduate in four years from all coursework and requirements adopted by the County Board of Education that are in addition to statewide coursework requirements, in accordance with Education Code 51225, 51225.1, 51225.3, and 49701.

(cf. 1312.3 – Uniform Complaint Procedures) (cf. 5145.6 – Parental Notifications)

(cf. 6173 - Education for Homeless Children) (cf. 6173.1 - Education for Foster Youth)

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

Students enrolled in grades 11 or 12 during the 2020-2021 school year who are not on track to graduate in the 2020- 2021 or 2021-2022 school year shall be provided with the opportunity to complete the statewide minimum coursework required for graduation. The County Superintendent or Superintendent’s designee may offer a fifth year of high school instruction, credit recovery options, or other opportunities that allow for the completion of statewide minimum coursework. (Education Code 51225, 51225.3)

Retroactive Diplomas

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

In addition, the SCCOE may retroactively grant high school diplomas to former students who: (Education Code 48204.4, 51430, 51440)

1. Departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure.

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the SCCOE that are consistent with the purposes of Education Code 48204.4. In determining whether to award a diploma under these circumstances, the County Superintendent or designee shall consider any coursework that may have been completed outside of the United States or through online or virtual courses.

2. Were interned by order of the federal government during World War II or who is an honorably discharged veteran of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a SCCOE school immediately preceding the internment or military service and did not receive a diploma because his/her education was interrupted due to the internment or military service. (Education Code 51430)

The SCCOE also may retroactively grant a diploma to a deceased former student who satisfies the above conditions. The diploma shall be received by the deceased student's next of kin. (Education Code 51430)

3. Are veterans who entered the military service of the United States while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12. (Education Code 51440)

4. Were in their senior year of high school during the 2019-20 school year, were in good academic standing and on track to graduate at the end of the 2019-20 school year as of March 1, 2020, and were unable to complete the statewide graduation requirements as a result of the COVID-19 crisis.

Legal Reference:

EDUCATION CODE

47612 Enrollment in charter school 48200 Compulsory attendance 48412 Certificate of proficiency

48204.4 Parents/guardians departing California against their will 48430 Continuation education schools and classes

48645.5 Acceptance of coursework

48980 Required notification at beginning of term

49701 Interstate Compact on Educational Opportunity for Military Children 51224 Skills and knowledge required for adult life

51224.5 Algebra instruction

51225 Exemptions from Santa Clara County Board of Education graduation requirements 51225.1 Exemption from SCCOE graduation requirements

51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course 51225.3 High school graduation

51225.35 Mathematics course requirements; computer science

51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation

51225.5 Honorary diplomas; foreign exchange students

51225.6 Compression-only cardiopulmonary resuscitation

51228 Graduation requirements

51240-51246 Exemptions from requirements 51250-51251 Assistance to military dependents 51410-51412 Diplomas

51420-51427 High school equivalency certificates 51430 Retroactive high school diplomas

51440 Retroactive high school diplomas 51450-51455 Golden State Seal Merit Diploma 51745 Independent study restrictions

56390-56392 Recognition for educational achievement, special education

66204 Certification of high school courses as meeting university admissions criteria 67386 Student safety; affirmative consent standard

CODE OF REGULATIONS, TITLE 5

1600-1651 Graduation of students from grade 12 and credit toward graduation 4600-4687 Uniform complaint procedures

COURT DECISIONS

O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452 Management Resources:

WEB SITES

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

California Department of Education, High School: <http://www.cde.ca.gov/ci/gshs> University of California, List of Approved a-g Courses: <http://www.universityofcalifornia.edu/admissions/freshman/requirements>

BP 6164.4 Identification and Evaluation of Individuals for Special Education

Book	Board Policies and Administrative Regulations
Section	6000 Instruction
Title	Identification and Evaluation of Individuals for Special Education
Number	6164.4 BP
Status	Active
Adopted	October 20, 2010
Last Revised	October 20, 2010
Last Reviewed	October 20, 2010

The Santa Clara County Board of Education recognizes the need to actively seek out and evaluate Santa Clara County Office of Education residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The Santa Clara County Superintendent of Schools or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment.

The County Superintendent or designee shall establish a method whereby parents/guardians, teachers, appropriate professionals, and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program.

The County Superintendent or designee shall notify parents/guardians, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the SCCOE procedures for initiating a referral for assessment to identify individuals who need special education services.

BP 6173 Education for Homeless Children

Book	Board Policies and Administrative Regulations
Section	6000 Instruction
Title	Education for Homeless Children
Code	6173 BP
Status	Active
Adopted	September 16, 2009
Last Revised	March 2, 2022
Last Reviewed	March 2, 2022

The Santa Clara County Board of Education desires to ensure that students experiencing homelessness have access to the same free and appropriate public education provided to other students within the Santa Clara County Office of Education (SCCOE). The SCCOE shall provide students experiencing homelessness with access to education and other services necessary for them to meet the same challenging academic standards as other students.

The Santa Clara County Superintendent of Schools (County Superintendent) or designee shall identify and remove any barriers to the identification and enrollment of students experiencing homelessness and to the retention of these students due to absences or outstanding fees or fines. (42 USC 11432)

The County Superintendent or designee shall ensure that placement decisions for students experiencing homelessness are based on the student's best interest as defined in law and administrative regulation.

When there are at least 15 students identified as being homeless in the SCCOE or in an SCCOE school or program, the SCCOE's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of the students. (Education Code 52052, 52060)

The County Superintendent or designee shall designate an appropriate staff person to serve as a liaison for children and youth experiencing homelessness. The liaison shall fulfill the duties specified in 42 USC 11432 to assist in identifying and supporting the students to succeed in school.

The SCCOE shall ensure that each school within the SCCOE identifies all children and youth experiencing homelessness and unaccompanied youth enrolled at the school by administering a housing questionnaire for purposes of identifying children and youth experiencing homelessness and unaccompanied youths. (42 USC 11303, 11432)

The SCCOE shall annually provide the housing questionnaire to all parents or guardians of pupils and to all unaccompanied youths of the SCCOE in their primary language.

Information about a student's living situation shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act and shall not be deemed to be directory information as defined in 20 USC 1232g. (42 USC 11432)

The County Superintendent or designee shall ensure that placement decisions for students experiencing homelessness are based on the student's best interest as defined in law and administrative regulation.

(cf. 5111.13 - Residency for Homeless Children)

Each student experiencing homelessness shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (42 USC 11432)

Students experiencing homelessness shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way. However, the County Superintendent or designee may separate students experiencing homelessness on school grounds as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet the unique needs of the students. (42 USC 11432, 11433)

The County Superintendent or designee shall coordinate with other agencies and entities to ensure that children and youth experiencing homelessness are promptly identified, ensure that they have access to and are in reasonable proximity to available education and related support services, and raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness. Toward these ends, the County Superintendent or designee shall collaborate with local social services agencies, other agencies or entities providing services to children and youth experiencing homelessness, and, if applicable, transitional housing facilities. In addition, the County Superintendent or designee shall coordinate transportation, transfer of school records, and other activities with other local educational agencies. As necessary, the County Superintendent or designee shall coordinate, within the SCCOE and with other involved local educational agencies, services for students experiencing homelessness and services for students with disabilities. (42 USC 11432)

SCCOE liaisons and other appropriate staff shall participate in professional development and other technical assistance activities to assist them in identifying and meeting the needs of students experiencing homelessness and to provide training on the definitions of terms related to homelessness. (42 USC 11432)

At least annually, the County Superintendent or designee shall report to the Board on outcomes for students experiencing homelessness, which may include, but are not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, the SCCOE shall revise its strategies as needed to better support the education of students experiencing homelessness.

Legal Reference:

EDUCATION CODE

39807.5 Payment of transportation costs by parents

48850 Participation of homeless students and foster youth in extracurricular activities and interscholastic sports

48851 Identification and enrollment 48851.5 Outreach and coordination
48852.5 Notice of educational rights of homeless students
48852.7 Education of homeless students; immediate enrollment
48915.5 Recommended expulsion, homeless student with disabilities

48918.1 Notice of recommended expulsion
51225.1-51225.3 Graduation requirements
52052 Accountability; numerically significant student subgroups
52060-52077 Local control and accountability plan CODE OF REGULATIONS, TITLE 5
5 CCR 4600-4670 Uniform complaint procedures UNITED STATES CODE, TITLE 20
1087vv Free Application for Federal Student Aid; definitions 1232g Family Educational Rights and Privacy Act (FERPA) of 1974 6311 State Plan
UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act
12705 Cranston-Gonzalez National Affordable Housing Act; state and local strategies

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Education for Homeless Children and Youth Program, Non-Regulatory Guidance, July 2004 WEB SITES

California Department of Education, Homeless Children and Youth Education: <http://www.cde.ca.gov/sp/hs/cy>

National Center for Homeless Education at SERVE: <http://www.nche.ed.gov> National Law Center on

Homelessness and Poverty: <http://www.homelesslaw.org>

U.S. Department of Education: <http://www.ed.gov/programs/homeless/index.html>

BP 6174 Education for English Learners

Book Board Policies and Administrative Regulations

Section 6000 Instruction

Title Education for English Learners

Code 6174 BP

Status Active

Adopted October 21, 2009

Last Revised December 12, 2018

Last Reviewed December 12, 2018

The Santa Clara County Board of Education intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitates student achievement in the SCCOE's regular course of study.

The SCCOE shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

The County Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners.

English learners shall be provided access to differentiated English language development instruction that is responsive to their needs and which is targeted to their English proficiency level, integrated across all subject areas, and aligned with the state content standards. The SCCOE's program shall be based on sound instructional theory, use standards-aligned instructional materials, emphasize inquiry-based learning and critical thinking skills, and provide students with access to the full educational program.

The County Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

The SCCOE shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom.

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

To support students' English language development, the County Superintendent or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.

Identification and Assessment

The County Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in the accompanying administrative regulation.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 854.1-854.3. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law.

Language Acquisitions Programs

The SCCOE shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards.

At a minimum, the SCCOE shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English.

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation and support as needed.

In establishing the SCCOE's language acquisition programs, the County Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program.

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the SCCOE programs, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program.

Parents/guardians of English learners may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school.

Reclassification

When an English learner is determined based on state and SCCOE reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

Students with disabilities are to be provided the same access and opportunities to English language acquisition and reclassification as students without disabilities. Reclassification of English learners who have an active IEP and are receiving special education and related services must meet the criteria as referenced in California Education Code and adopted by the SCCOE to be reclassified as English proficient. SCCOE programs shall not create or adopt "blanket" alternative criteria for students with disabilities.

Although reclassification takes place outside of the IEP process, it is important that the IEP team be informed of the decision to reclassify a student as the decisions may have an impact on the student's IEP. An IEP discussion is important because reclassification may necessitate changes to the student's goals or services. Each LEA must monitor the progress of reclassified pupils for a minimum of four years to ensure correct classification, placement, and additional academic support, as needed.

Program Evaluation

To evaluate program effectiveness, the County Superintendent or designee shall examine the following:

1. Progress of English learners towards proficiency in English.
2. The number and percentage of English learners reclassified as fluent English proficient.
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1.
4. The achievement of English learners on standards-based tests in core curricular areas.
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309.
6. Progress toward any other goals for English learners identified in the district's LCAP.
7. A comparison of current data with data from at least the previous year in regard to items #1-6 above.
8. A comparison of data between the different language acquisition programs offered by the SCCOE.

The County Superintendent or designee shall annually report these findings to the County Board and shall also provide the County Board with regular reports from any Santa Clara County Office of Education or schoolwide English learner advisory committees.

State Seal of Biliteracy

The State Seal of Biliteracy (SSB) recognizes high school graduates who have attained a high level of proficiency in speaking, reading, and writing one or more languages in addition to English. The SSB will be awarded by the State Superintendent of Public Instruction in accordance with specified criteria set forth in the legislation.

The SCCOE participates in this program and as such must maintain appropriate records of the identification of qualifying students and must complete and submit the online Insignia Request Form. The Insignia Request Form may be submitted at any time; however, it is recommended that requests be submitted far enough in advance to allow time for the CDE to process the requests and for insignias to be affixed to diplomas or transcripts. Participation is voluntary and no fee may be charged to the student. The CDE will mail to the requestor one seal per eligible student to be affixed to the diploma or transcript.

BP 6175 Migrant Education Program

Book	Board Policies and Administrative Regulations
Section	6000 Instruction
Title	Migrant Education Program
Number	6175 BP
Status	Active
Adopted	September 16, 2009
Last Revised	September 16, 2009
Last Reviewed	September 16, 2009

The Santa Clara County Board of Education desires to provide a comprehensive education program for migrant students that attempts to mitigate the impact of disruptions on their education and provides them the opportunity to meet the Santa Clara County Office of Education's academic standards. SCCOE shall make use of available funds to provide supplementary services for migrant students.

The Superintendent or designee shall convene a SCCOE parent/guardian advisory council to actively involve parents/guardians in planning, operating and evaluating the migrant education program.

The Superintendent or designee shall coordinate SCCOE's migrant program services with other public agencies that serve migrant workers and their families.

Exhibit 5125 Release of Directory Information – Parent/Guardian Notice

Book	Board Policies and Administrative Regulations
Section	5000 Students
Title	Release of Directory Information - Parent/Guardian Notice
Code	5125.1 Exhibit
Status	Active
Adopted	October 20, 2010
Last Revised	September 5, 2018
Last Reviewed	September 5, 2018

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that the Santa Clara County Office of Education (SCCOE), with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the SCCOE may disclose appropriately designated "directory information" without written consent, unless you have advised the SCCOE to the contrary in accordance with SCCOE procedures. The primary purpose of directory information is to allow the SCCOE to include this type of information from your child's education records in certain school and/or SCCOE publications. Examples include:

- 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 student's names, addresses and telephone listings, unless parents/guardians have advised the SCCOE that they do not want their child's information disclosed without their prior written consent.

If you do not want the SCCOE to disclose directory information from your child's education records without your prior written consent, you must notify the SCCOE in writing by September 15th. The SCCOE has designated the following information as directory information:

1. Name
2. Address
3. Telephone number
4. E mail address
5. Major field of study
6. Participation in officially recognized activities and sports
7. Weight and height of athletic team members
8. Dates of attendance
9. Degrees and awards received
10. Most recent previous school attended

The SCCOE 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 SCCOE will not disclose such information without your consent or a court order.

Notification of Rights Under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:

(1) The right to inspect and review the student’s education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the School principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA. Parents or eligible students may ask the School to amend a record that they believe is inaccurate or misleading. They should write the School principal; clearly identify the part of the record they want changed and specify why it is inaccurate or misleading. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise the parent or eligible student of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. In addition, the Student Aid Commission may have access to the grade point average (GPA) of all SCCOE 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 a student, or his or her parent or guardian if the student is under 18 years of age, “opts out” or is permitted by the rules of the Student Aid Commission to provide test scores in lieu of his or her GPA. (Ed. 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 18 years of age, 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. (Ed. Code, §) Upon request, the School discloses education records, without prior consent, to officials of another school SCCOE in which a student seeks or intends to enroll.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

**“KNOW YOUR EDUCATIONAL RIGHTS” IMMIGRATION ENFORCEMENT FROM THE
CALIFORNIA ATTORNEY GENERAL”**

Your Child Has the Right to a Free Public Education

- All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the student’s parents or guardians.
- In California:
 - All children have the right to a free public education.
 - All children ages 6 to 18 years must be enrolled in school.
 - All students and staff have the right to attend safe, secure, and peaceful schools.
 - All students have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
 - All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

Information Required for School Enrollment

- When enrolling a child, schools must accept a variety of documents from the student’s parent or guardian to demonstrate proof of child’s age or residency.
- You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

Confidentiality of Personal Information

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
- Some schools collect and provide publicly basic student “directory information.” If they do, then each year, your child’s school SCCOE must provide parents/guardians with written notice of the school’s directory information policy, and let you know of your option to refuse release of your child’s information in the directory.

Family Safety Plans If You Are Detained or Deported

- You have the option to provide your child’s school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.

- You have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

Right to File a Complaint

- Your child has the right to report a hate crime or file a complaint to the school SCCOE if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.

For more information on resources for responding to immigration enforcement activities at California schools, or to file a complaint, please contact:

Bureau of Children's Justice
California Attorney General's Office
P.O. Box 944255
Sacramento, CA 94244-2550
Phone: (800) 952-5225
E-mail: BCJ@doj.ca.gov
<https://oag.ca.gov/bcj/complaint>

The Attorney General's publications can be downloaded at: <https://www.oag.ca.gov/bcj>

Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)
 1. Political affiliations or beliefs of the student or student’s parent;
 2. Mental or psychological problems of the student or student’s family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or parents; or
 8. Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of –
 1. Any other protected information survey, regardless of funding;
 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screening, or any physical exam or screening permitted or required under State law; and
 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- Inspect, upon request and before administration or use --
 1. Protected information surveys of students;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the education curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

Santa Clara County Office of Education (SCCOE) has developed policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. SCCOE will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. SCCOE will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys ~~noted~~ and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. **SCCOE** will make this notification to parents at the beginning of the school year if the SCCOE has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any unprotected information survey not funded in whole or in part by the Department of Education.
- Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

College Admission Requirements and Higher Education Information

Each school year, a school SCCOE shall provide the parent of students in grades 9 through 12 with a written explanation of the requirements for admission to the California State University (“CSU”) and the University of California (“UC”) systems. (Ed. Code, § 51229)

To qualify for admission to the UC or CSU systems, high school students must meet the “Subject Requirements,” otherwise known as the “a-g” requirements. To learn more about college admission requirements, please visit the UC (www.universityofcalifornia.edu) or CSU (www.calstate.edu) websites or your student’s counseling office.

For a list of SCCOE courses that have been certified by the University of California as satisfying the requirements for admission to the UC and CSU systems, please see below and refer to: <https://doorways.ucop.edu/list>. [NOTE: The phrase “see below and” only applies to Districts which allow a career technical education course to satisfy the graduation requirement of “one course in visual or performing arts, world language (synonymous with foreign language), or, commencing with the 2012-2013 school year, career technical education” All other districts may delete the phrase “see below and.”]

Career Technical Education (CTE): CTE may be offered by the SCCOE as career and workforce preparation for high school students, preparation for advanced training, and the upgrading of existing skills. CTE provides high school students who are 16 years of age or older with valuable career and technical education so students can: (1) enter the workforce with skills and competencies to be successful; (2) pursue advanced training in postsecondary educational institutions; or (3) upgrade existing skills and knowledge. A CTE course may also satisfy a graduation requirement and a subject matter requirement for admission to the UC and CSU. To learn more about CTE, please visit www.cde.ca.gov/ci/ct. To learn more about the District’s career technical education classes, please visit the District’s website at: www.sccoe.org. Students are encouraged to meet with school counselors to help them choose courses at their school that will meet college admission requirements or to enroll in career technical education courses, or both. Please contact: Your school principal. Investing and considering appropriate investment options for future college or university education is important. (Ed. Code, § 48980(d)) Any questions regarding investment options should be directed to a financial advisor.

REQUEST FOR ELECTRONIC ACCESS TO ANNUAL RIGHTS NOTIFICATION

Sign and return this form to your child’s school by September 1, 2023, if you would like electronic access to the 2023-24 Parent Notice of Rights and Responsibilities. If you do not return this form by the specified date, you will be provided with a hard copy of the Notice at the beginning of the 2023-24 school year.

Student’s Name: _____

School: _____ Grade: _____

I hereby request to receive the annual Parent Notice of Rights and Responsibilities in electronic format.

I understand that, by requesting the Notice in an electronic format, it is my responsibility to access the Notice at the beginning of the 2023-24 school year on the District’s website at www.sccoe.org.

I also understand that the Notice contains important information regarding my rights, responsibilities, and protections and that, by requesting the Notice in an electronic format, I will be required to access, print, complete, and timely return to my child’s school the ACKNOWLEDGEMENT OF PARENT OR GUARDIAN OF ANNUAL RIGHTS NOTIFICATION, which is included with the Notice.

Signature of Parent or Guardian: _____ Date: _____

CHILD ABUSE REPORTING GUIDELINES AND PROCEDURES

The following information will assist parents and guardians in determining whether or not child abuse has occurred and, if so, how to file a complaint of child abuse with local law enforcement. This information has been taken from the California Child Abuse and Neglect Reporting Act in the California Penal Code and from sections of the California Education Code.

Child Abuse Can Be Any of the Following:

- A physical injury which is inflicted on a child by another person other than by accidental means.
- The sexual abuse, assault, or exploitation of a child, such as:
 - The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare, whether the harm or threatened harm is from acts or omissions on the part of the responsible person;
 - The willful infliction upon a child of any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition; or
 - The willful harming or injuring of a child or endangering of the person or the health of a child where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children or an administrator or employee of a public or private school or other institution or agency.

Child Abuse Does *Not* Include:

- A mutual fight between minors;
- An injury that is caused by the actions of a peace officer using reasonable and necessary force within the scope of his or her employment; or
- An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school:
 - To stop a disturbance threatening physical injury to people or damage to property;
 - For purposes of self-defense;
 - To obtain possession of weapons or other dangerous objects within control of a pupil; or
 - To exercise the degree of control reasonably necessary to maintain order, protect property, protect the health and safety of pupils, and maintain proper and appropriate conditions conducive to learning.

How to File a Complaint of Child Abuse Committed at a School Site

Parents and guardians of pupils have the right to file a complaint against a school employee or other person that they suspect has engaged in abuse of a child at a school site. To file a complaint, the parent or guardian must file a formal report with an appropriate local law enforcement agency. An appropriate law enforcement agency may be one of the following:

- A Police or Sheriff's Department (not including a school SCCOE police department or school security department)
- A County Probation Department if designated by the county to receive child abuse reports, or
- A County Welfare Department/County Child Protective Services.

The complaint may be filed over the telephone, in person, or in writing. A complaint may also be filed at the same time with your school SCCOE or county office of education. School districts and county offices of education, however, do not investigate child abuse allegations.

The local law enforcement agency is required to investigate all complaints.

In addition, if the child is disabled and enrolled in special education, a separate complaint may be filed by the parent or guardian with the California Department of Education (CDE) according to Title 5 of the California Code of Regulations section 4650(a)(7)(C). The CDE does not, however, investigate allegations of child abuse but rather investigates the conditions that may involve immediate physical danger or threaten the health, safety, or welfare of the child or children or which may result in denial of a free and appropriate public education.

If the complaint of child abuse is "substantiated" or confirmed by the local law enforcement agency, meaning that the report of child abuse or neglect, as determined by the law enforcement investigator who conducted the investigation, is, based upon the evidence, more likely to have occurred than not, then a report of the investigation will be transmitted by the law enforcement agency to the governing board of the local school SCCOE or County Office of Education. A confirmed report of child abuse or neglect received by a governing board of a school SCCOE or County Office of Education will be subject to the provisions of California Education Code section 44031, which gives school employees certain rights regarding personnel information and records.

In addition, a confirmed report shall be forwarded by the law enforcement agency that investigated the complaint to the California Department of Justice according to California Penal Code section 11169 and notice will be provided to the alleged child abuser that he or she has been reported to the Child Abuse Central Index, as maintained by the Department of Justice.

NOTIFICATION OF STATE ASSESSMENT



Santa Clara County Office of Education

Mary Ann Dewan, Ph.D.
County Superintendent of Schools

August 3, 2023

Dear Parent or Guardian:

Every year, California students take several statewide tests. When combined with other measures such as grades, class work, and teacher observations, these tests give families and teachers a more complete picture of their child's learning. You can use the results to identify where your child is doing well and where they might need more support.

Your child may be taking one or more of the California Assessment of Student Performance and Progress (CAASPP), English Language Proficiency Assessments for California (ELPAC), and Physical Fitness Test assessments. Pursuant to California Education Code Section 60615, parents/guardians may annually submit to the school a written request to excuse their child from any or all of the CAASPP assessments. This exemption does not exist for the ELPAC or Physical Fitness Test.

If you wish to exempt your child from the CAASPP testing, please notify your school principal in writing as to the specific tests from which to exempt your child.

SBAC: Smarter Balanced Assessments for English Language Arts/Literacy (ELA) and Math: Students in grades 3–8 and grade 11. Computer based

SBAC: California Science Test (CAST)- Grade 12 Computer Based

ELPAC: Students who have a home language survey that lists a language other than English will take the Initial test, which identifies students as an English learner student or as initially fluent in English. Students who are classified as English learner students will take the Summative ELPAC every year until they are reclassified as proficient in English. Computer-based

Physical Fitness Test: Grades 5, 7 and 9 will take the FITNESSGRAM®, which is the test used in California. The test consists of five performance components: aerobic capacity, abdominal strength, trunk strength, upper body strength, and flexibility.

Sincerely,

DocuSigned by:

09EC2B642F0E47E...

Teresa Shipp,
Assistant Superintendent Educational Services

Diabetes

Type 1 diabetes in children is an autoimmune disease that can be fatal if untreated, and the guidance provided in this information sheet is intended to raise awareness about this disease.

Description

Type 1 diabetes usually develops in children and young adults but can occur at any age

- According to the U.S. Centers for Disease Control and Prevention (CDC), cases of type 1 diabetes in youth increased nationally from 187,000 in 2018 to 244,000 in 2019, representing an increase of 25 per 10,000 youths to 35 per 10,000 youths, respectively.
- The peak age of diagnosis of type 1 diabetes is 13-14 years, but diagnosis can also occur much earlier or later in life.

Type 1 diabetes affects insulin production

- As a normal function, the body turns the carbohydrates in food into glucose (blood sugar), the basic fuel for the body's cells.
- The pancreas makes insulin, a hormone that moves glucose from the blood into the cells.
- In type 1 diabetes, the body's pancreas stops making insulin, and blood glucose levels rise.
- Over time, glucose can reach dangerously high levels in the blood, which is called hyperglycemia.
- Untreated hyperglycemia can result in diabetic ketoacidosis (DKA), which is a life-threatening complication of diabetes.

Risk Factors Associated with Type 1 Diabetes

It is recommended that students displaying warning signs associated with type 1 diabetes, which are described below, should be screened (tested) for the disease by their health care provider.

Risk Factors

Researchers do not completely understand why some people develop type 1 diabetes and others do not; however, having a family history of type 1 diabetes can increase the likelihood of developing type 1 diabetes. Other factors may play a role in developing type 1 diabetes, including environmental triggers such as viruses. Type 1 diabetes is not caused by diet or lifestyle choices.

Warning Signs and Symptoms Associated with Type 1 Diabetes and Diabetic Ketoacidosis

Warning signs and symptoms of type 1 diabetes in children develop quickly, in a few weeks or months, and can be severe. If your child displays the warning signs below, contact your child's primary health care provider or pediatrician for a consultation to determine if screening your child for type 1 diabetes is appropriate:

- Increased thirst
- Increased urination, including bed-wetting after toilet training
- Increased hunger, even after eating
- Unexplained weight loss

- Feeling very tired
- Blurred vision
- Very dry skin
- Slow healing of sores or cuts
- Moodiness, restlessness, irritability, or behavior changes

DKA is a complication of untreated type 1 diabetes. DKA is a medical emergency. Symptoms include:

- Fruity breath
- Dry/flushed skin
- Nausea
- Vomiting
- Stomach pains
- Trouble breathing
- Confusion

Types of Diabetes Screening Tests That Are Available

- **Glycated hemoglobin (A1C) test.** A blood test measures the average blood sugar level over two to three months. An A1C level of 6.5 percent or higher on two separate tests indicates diabetes.
- **Random (non-fasting) blood sugar test.** A blood sample is taken any time without fasting. A random blood sugar level of 200 milligrams per deciliter (mg/dL) or higher suggests diabetes.
- **Fasting blood sugar test.** A blood sample is taken after an overnight fast. A level of 126 mg/dL or higher on two separate tests indicates diabetes.
- **Oral glucose tolerance test.** A test measuring the fasting blood sugar level after an overnight fast with periodic testing for the next several hours after drinking a sugary liquid. A reading of more than 200 mg/dL after two hours indicates diabetes.

Type 1 Diabetes Treatments

There are no known ways to prevent type 1 diabetes. Once type 1 diabetes develops, medication is the only treatment. If your child is diagnosed with type 1 diabetes, their health care provider will be able to help develop a treatment plan. Your child's health care provider may refer your child to an endocrinologist, a doctor specializing in the endocrine system and its disorders, such as diabetes.

Contact your student's school nurse, school administrator, or health care provider if you have questions.

2023-24 Acknowledgement of Receipt and Review

Dear Parent/Guardian:

The Santa Clara County Office of Education is required to annually notify parents and guardians of rights and responsibilities in accordance with Education Code 48980.

If you have any questions, or if you would like to review specific documents mentioned in the notice, please contact the principal at your student’s school. He or she will be able to give you more detailed information and assist you in obtaining copies of any materials you wish to review.

Please complete the “Acknowledgement of Receipt and Review” form below and return it to your student’s school.

✂ (Detach and Return) ✂

Acknowledgement of Receipt and Review

Pursuant to Education Code 48982, the parent/guardian shall sign this notice and return it to the school. Signature on the notice is an acknowledgment by the parent or guardian that he or she has been informed of his or her rights but does not necessarily indicate that consent to participate in any particular program or activity has been given or withheld.

Student Name: _____

School: _____

Grade: _____

Parent/Guardian Name: _____

Address: _____

Home Telephone Number: _____

Signature of Parent/Guardian (if student is under 18)

Signature of Student (if student is 18 or older)

SCHOOL YEAR CALENDARS

- Professional Development Day
- First / Last Day of School
- Non-School Day
- SCCOE Observed
- AED Graduation


 Santa Clara County Office of Education
 Alternative Education Department
 Community Schools Calendar
 Student Core Academic Calendar 2023-24

Work Days: 185
 Total Instructional Days: 180

JULY 2023				
M	T	W	TH	F
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X

WORK: 0 Days / INSTRUCT: 0 Days

JANUARY 2024				
M	T	W	TH	F
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X

WORK: 17 Days / INSTRUCT: 17 Days

Jan. 1; NEW YEAR DAY HOLIDAY
 Jan. 2-4; WINTER RECESS
 January 15; MLK, HOLIDAY

AUGUST 2023				
M	T	W	TH	F
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X

WORK: 15 Days / INSTRUCT: 12 Days

Aug. 11 - 15; AED Staff Development
 Aug. 16 FIRST DAY OF SCHOOL

FEBRUARY 2024				
M	T	W	TH	F
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X

WORK: 15 Days / INSTRUCT: 15 Days

Feb. 16; LINCOLN'S BIRTHDAY HOLIDAY
 Feb. 19; PRESIDENT'S DAY HOLIDAY
 Feb. 20-23; WINTER RECESS

SEPTEMBER 2023				
M	T	W	TH	F
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X

WORK: 20 Days / INSTRUCT: 20 Days

Sept. 4; LABOR DAY, HOLIDAY

MARCH 2024				
M	T	W	TH	F
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X

WORK: 21 Days / INSTRUCT: 20 Days

Mar. 22; AED Staff Development

OCTOBER 2023				
M	T	W	TH	F
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X

WORK: 17 Days / INSTRUCT: 16 Days

Oct. 2-6; FALL RECESS
 Oct. 27; AED All Staff Development

APRIL 2024				
M	T	W	TH	F
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X

WORK: 17 Days / INSTRUCT: 17 Days

Apr. 8-12 SPRING RECESS

NOVEMBER 2023				
M	T	W	TH	F
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X

WORK: 16 Days / INSTRUCT: 16 Days

Nov. 10; VETERAN'S DAY HOLIDAY
 Nov. 20-22; THANKSGIVING BREAK
 Nov. 23-24; THANKSGIVING HOLIDAY

MAY 2024				
M	T	W	TH	F
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X

WORK: 22 Days / INSTRUCT: 22 Days

May 29; Memorial Day, HOLIDAY

DECEMBER 2023				
M	T	W	TH	F
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X

WORK: 15 Days / INSTRUCT: 15 Days

Dec. 22 - 29; WINTER RECESS

JUNE 2024				
M	T	W	TH	F
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X
X	X	X	X	X

WORK: 10 Days / INSTRUCT: 10 Days

June 11; AED Graduation
 June 14; Last Day of School

DocuSigned by: _____



- Professional Development Day
- First / Last Day of School
- Non-School Day
- SCCOE Observed Holidays
- AED Graduation

Santa Clara County Office of Education
 Alternative Education Department
 Court Schools Calendar
 Student Core Academic Calendar 2023-24

Work Days: **210**
 Total Instructional Days: **230**

JULY 2023				
M	T	W	TH	F
X	X	X	X	X
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

WORK: 16 Days / INSTRUCT: 16 Days
 Jul. 3-7: Non-School Days
 July 4: INDEPENDENCE DAY HOLIDAY
 July 10: First Day of Summer School

JANUARY 2024				
M	T	W	TH	F
X	X	X	X	X
8	9	10	11	12
X	16	17	18	19
22	23	24	25	26
29	30	31		

WORK: 17 Days / INSTRUCT: 17 Days
 Jan. 1: NEW YEAR'S DAY HOLIDAY
 Jan. 2-5: WINTER RECESS
 January 15: MLK HOLIDAY

AUGUST 2023				
M	T	W	TH	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

WORK: 23 Days / INSTRUCT: 20
 Aug. 10: Last Day of Summer School
 Aug. 11-15: AED Staff Development
 Aug. 16: First Day of School

FEBRUARY 2024				
M	T	W	TH	F
			1	2
5	6	7	8	9
12	13	14	15	X
X	20	21	22	23
26	27	28	29	

WORK: 19 Days / INSTRUCT: 19 Days
 Feb. 16: LINCOLN'S BIRTHDAY HOLIDAY
 Feb. 19: PRESIDENT'S DAY HOLIDAY

SEPTEMBER 2023				
M	T	W	TH	F
				1
X	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

WORK: 20 Days / INSTRUCT: 20 Days
 Sep. 4: LABOR DAY HOLIDAY

MARCH 2024				
M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

WORK: 21 Days / INSTRUCT: 20 Days
 Mar. 22: AED All Staff Development

OCTOBER 2023				
M	T	W	TH	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

WORK: 22 Days / INSTRUCT: 21 Days
 October 27: AED All Staff Development

APRIL 2024				
M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

WORK: 22 Days / INSTRUCT: 22 Days

NOVEMBER 2023				
M	T	W	TH	F
		1	2	3
6	7	8	9	X
13	14	15	16	17
20	21	22	X	X
27	28	29	30	

WORK: 19 Days / INSTRUCT: 19 Days
 Nov. 11: VETERAN'S DAY HOLIDAY
 Nov. 23-24: THANKSGIVING HOLIDAY

MAY 2024				
M	T	W	TH	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
X	28	29	30	31

WORK: 22 Days / INSTRUCT: 22 Days
 May 27: MEMORIAL DAY HOLIDAY

DECEMBER 2023				
M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	X
X	X	X	X	X

WORK: 15 Days / INSTRUCT: 15 Days
 Dec. 22-29: WINTER RECESS

JUNE 2024				
M	T	W	TH	F
3	4	5	6	7
10	11	12	13	14
17	18	X	20	21
24	25	26	27	28

WORK: 19 Days / INSTRUCT: 19 Days
 AED Graduation: Class of 2024
 Jun. 19: JUNETEENTH HOLIDAY

SCCOE Observed Holidays
Non-School Day
Professional Development Day
Minimum Day
First/Last Day of School
Quarter Progress Meetings
Assessments

ACADEMIC CALENDAR 2023-2024

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