

**HESPERIA UNIFIED SCHOOL DISTRICT
CERTIFICATION OF RECEIPT OF NOTIFICATION OF PARENTS' RIGHTS
2017-2018**

I hereby certify that I have received a copy of the Notification of Parents' Rights from the Hesperia Unified School District.

In accordance with California Education Code 48982, please complete this form and return it to your student's school as soon as possible. PLEASE KEEP THE ATTACHED COPY OF THE "NOTIFICATION OF PARENTS' RIGHTS" FOR YOUR RECORDS.

STUDENT NAME (PLEASE PRINT) _____

PARENT/GUARDIAN NAME (PLEASE PRINT) _____

PARENT/GUARDIAN SIGNATURE _____

DATE _____

The Hesperia Unified School District urges parents/guardians to make sure their children attend school regularly and to schedule medical and other appointments so that a student misses none or only a small portion of the school day. The district also asks that travel or other absences be avoided during the time school is in session. The higher the district's daily attendance rate, the more a student will learn and the greater the amount of funding that the district will receive from the state for classroom instruction and academic programs. The school calendar is designed to minimize problems for families which plan vacations around traditional holiday periods, and thereby minimize student absences. Thank you for working with us in providing your child the best education possible.

California Education Code 48981 – Time and means of notification.

The notice shall be sent at the time of registration for the first semester or quarter of the regular school term. The notice may be sent by regular mail or by any other method normally used to communicate with the parents or guardians in writing, or in electronic format.

California Education Code 48982 – Signature; return to school; effect of signature.

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

NOTIFICATION OF PARENTS' RIGHTS
HESPERIA UNIFIED SCHOOL DISTRICT
15576 MAIN STREET, HESPERIA, CA 92345
(760) 244-4411

This is the annual notice to parents/guardians of students enrolled in the Hesperia Unified School District. This notice, which is required by Education Code 48980(a), provides important information about federal laws and state education codes, as well as information relating to rights of parents or guardians of children. A copy is available in Spanish at your school. Este aviso, que resume las leyes federales y estatales con respecto a los derechos de padres o tutores, esta a su disposicion en espanol. Si usted desea una copia, puede pedir una en la escuela. The abbreviations at the end of each section refer primarily to Education Code (E.C.) sections where you may find more information. Education code reference material is also available at each school.

A L T E R N A T I V E E D U C A T I O N

ALTERNATIVE SCHOOLS – California law authorizes all school districts to provide for alternative schools. E.C. 58500 defines an alternative school as a school or separate class group within a school, which is operated in a manner designed to:

- A. Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- B. Recognize that the best learning takes place when the student learns because of his/her desire to learn.
- C. Maintain a learning situation maximizing student self-motivation and encouraging the student in his/her own time to follow his/her own interests. These interests may be conceived by him/her totally and independently or may result in whole or in part from a presentation by his/her teachers of choices of learning projects.
- D. Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.
- E. Maximize opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

In the event any parent, guardian, pupil, or teacher is interested in further information concerning alternative schools, the administrative offices of this District and the County Superintendent of Schools have copies of the law available for your information.

For additional information about these programs, you may call either Canyon Ridge High School at (760) 244-6530, Mojave High School at (760) 948-3999 ext. 5144, or Shadow Ridge School at (760) 949-8267. Application forms for enrollment in any alternative program may be obtained at either, Canyon Ridge High School, 12850 Muscatel Street, Mojave High School, 16633 Lemon Street, Shadow Ridge School, 15776 Main St. Ste. #5, or the Alternative Ed Center, 16527 Lemon Street, in Hesperia. (E.C. 58501)

NOTIFICATION OF ADDITIONAL EDUCATIONAL OPTIONS FOR SECONDARY STUDENTS (Grades 7-12) –

Following are other educational options which may be of interest to parents of secondary students. Please do not hesitate to call the contact person listed for additional information:

MOJAVE HIGH SCHOOL (760) 948-3999 ext. 5144
(*East side of town*)

Serves grades 9-12 and provides an alternative to the comprehensive high school setting with smaller student-teacher ratios, individualized instruction, and a more intimate environment. Students must be at least 16 years of age and be referred by their counselor.

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CANYON RIDGE HIGH SCHOOL (760) 244-6530
(*West side of town*)

AIIM (760) 948-3999 ext. 5144

Applied Intensive Intervention Model

An intensive, highly structured option for special education students who are at risk. A student must be

referred through Special Services and must have a current IEP recommending AIIM.

SHADOW RIDGE SCHOOL (760) 949-8267

Shadow Ridge School provides high quality instruction for students who want an alternative to the regular school day and course of study. Students schedule their study time around two weekly meetings with their teacher. Individual and small-group tutoring is also available. Shadow Ridge School is a fully accredited program that provides the ability to earn back deficit credits. Students have access to academic counseling and technology to enhance their learning.

WORK EXPERIENCE (760) 244-1771 ext. 5117

Work experience is a partnership between the school and the community. It provides opportunities for students 16 years and older to experience the world of work while exploring career options and earning high school credit. If you are interested in this program, please contact the counseling department at the school that the students currently attend.

COMMUNITY DAY SCHOOL (760) 948-3999 ext. 5108

This is a program for students who have been recommended for expulsion and may no longer attend other schools in the District. Students are referred to this program by the District or School Attendance Review Board (SARB).

GED TEST PREPARATION (760) 244-1771

This program prepares adults for the five-part GED exam. Students are eligible to take the test 60 days prior to their 18th birthday. A passing grade confers a GED certificate, which is deemed equivalent to a high school diploma for most state and local public agencies.

REQUEST BY PARENT/GUARDIAN TO ESTABLISH PROGRAM – The parent/guardian of any pupil may request the governing board of a school district to establish an alternative school program or programs in the district pursuant to this chapter. (E.C. 58502)

GRADUATION REQUIREMENTS – Requirements for graduation and alternative modes for completing the prescribed course of study must be made available to pupils, parents and the public. (E.C. 51225.3)

CAREER TECHNICAL EDUCATION/ROP (760) 244-1771 ext. 5117

ROP classes offer vocational training, career guidance, and placement services to students 16 years and older. CTE/ROP teaches basic skills through community-based job training in local business and industry. Students earn elective high school credit for completing these classes.

TWILIGHT CLASSES (760) 948-3999 ext. 5108

The District offers free behavioral intervention classes in the Alternative Education Center twice a week. Classes, limited to 12 participants, are scheduled after the regular school day, and currently include DRUG & ALCOHOL AWARENESS and ANGER MANAGEMENT. Students who attend 12 classes receive a certificate of completion.

WORKABILITY (760) 244-1771 ext. 5114

Workability provides pre-employment skills, classroom training, paid work experience and work site supervision for special education students who are between the ages of 16 and 21. Students will gain an understanding of job seeking skills, expected workplace behavior and available employment opportunities.

ADULT HIGH SCHOOL PROGRAMS (760) 244-1771 ext. 5113

These programs provide opportunities for adult students to earn their high school diplomas and prepare for entry level employment. Classes include: preparation for the GED, the adult diploma program, career training, English language development, and citizenship.

SPECIAL EDUCATION WORK TRANSITION PROGRAM (760) 948-3999 ext. 5151

Special Education students who qualify will be provided an opportunity to complete their high school diploma requirements while obtaining real life employment skills. Please contact Mojave High School

ATTENDANCE

RESIDENCY

A minor between the ages of 6 and 18 years is subject to compulsory education and, unless exempted, must enroll in school in the school district in which the residence of either the parent or legal guardian is located.

A pupil may alternatively comply with the residency requirements for school attendance in a school district, if he or she is any of the following: placed in a foster home or licensed children's institution within the boundaries of the school district pursuant to a commitment of placement under the Welfare and Institutions Code; a pupil who is a foster child who remains in his or her school or origin; an emancipated pupil who resides within the boundaries of the school district; a pupil who lives in the home of a caregiving adult that is located within the boundaries of the school district; or a pupil residing in a state hospital located within the boundaries of the school district; when a pupil's parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her employment within the boundaries of the school district for a minimum of 3 days during the school week. EC48200 and 48204

GRADE REDUCTION/LOSS OF CREDIT – No pupil may have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to E.C. 48205 when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

ALLOWED ABSENCES – (E.C. 48205)

(a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

- (1) Due to his or her illness.
- (2) Due to quarantine under the direction of a county or city health officer.
- (3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- (4) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside of California.
- (5) For the purpose of jury duty in the manner provided for by law.
- (6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
- (7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a non-profit organization, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- (8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
- (9) 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 E.C. 49701, and has been called to a 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.
- (10) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.

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

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

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

(e) "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

OPEN ENROLLMENT TRANSFERS – California law requires all school boards to inform each student's parent/guardian at the beginning of the school year of the various ways in which they may choose schools for the children to attend other than the ones assigned by school districts. Students that attend schools other than those assigned by the districts are referred to as "open enrollment transfer students" throughout this section. There is one process for choosing a school within the district which the

parent/guardian lives (intradistrict transfer), and two separate processes for selecting schools in other districts (interdistrict transfer). Following are the general requirements and limitations of each process:

Intradistrict Transfers (choosing a school within the district in which parent/guardian lives).

The law limits choice within a school district as follows:

- a. 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.
- b. In cases where 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. A district cannot use a student's academic or athletic performance as a reason to accept or reject a transfer.
- c. Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
- d. Transportation to any other school is the responsibility of the parent.
- e. If a transfer is denied, a parent/guardian does not have an automatic right to appeal the decision. A district may, however, voluntarily decide to put in place a process for parents/guardians to appeal. (E.C. 35160.5)
- f. Parents of high school athletes should check on the CIF sports eligibility rules before pursuing Open Enrollment.

Interdistrict Transfers (choosing a school outside the district in which parent/guardian lives). Parent/guardians have the following two different options for choosing a school outside the Hesperia Unified School District:

1. Both the school district a parent/guardian is requesting a transfer to and the one a parent/guardian is transferring from must take into consideration the child care needs of the student. If the transfer is approved based on childcare needs, the student may be allowed to stay in the new district or the high school district to which it feeds through the 12th grade, subject to certain conditions.
 - a. If either district denies a transfer request, a parent/guardian 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. (E.C. 46600 through 46611)
2. If one or both parents/guardians of a pupil are employed in the boundaries of a school district for a minimum of 10 hours during the school week, other than the one in which they live, the student may be considered a resident of the school district in which his/her parents or guardians work. This code section does not require that a school district automatically 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 include:
 - a. Either the district in which the parent/guardian lives or the district in which the parent/guardian works may prohibit the transfer if it is determined that there would be a negative impact on the district.
 - b. The district in which the parent/guardian works may reject a transfer if it determines that the cost of educating the student would be more than the amount of government funds the district would receive for educating the student. This limitation might particularly apply to any special needs student that would require extra services from the district for which the district believes the state aid it would receive would not fully pay.
 - c. There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.
 - d. There is no required appeal process for a transfer that is denied. However, the district that declines to admit a student must provide in writing to the parent/guardian the specific reasons for denying the transfer. (E.C. 48204 (f))

3. The Open Enrollment Act - E.C. 48350 et seq.

Whenever a student is attending a school on the Open Enrollment List as identified by the Superintendent of Public Instruction, the student may seek to transfer to another school within or outside of the district, as long as the school to which he/she is transferring has a higher Academic Performance Index. Parents of high school athletes should check on CIF sports eligibility rules before pursuing a transfer under this option. Transportation to any other school is the responsibility of the parent. School districts are allowed to adopt specific, written standard for acceptance and rejection of applications as long as students are selected through a random and unbiased process. Unless the school board waives the deadline, request for transfers are to be submitted by January 1 of the prior school year. To apply, parents must directly contact the school district to which they seek to transfer their student. The Open Enrollment List can be found on the California Department of Education website at <http://www.cde.ca.gov/sp/eo/op/>.

RELIGIOUS ABSENCES – With your **prior** written permission, your child may be excused to attend religious services away from school. However, your child will be required to attend school for a certain number of minutes for that day. Such absences are limited to four days per school month. (E.C. 46014)

TRUANCIES – Any student who is absent from school without valid excuse three (3) days or tardy in excess of 30 minutes on each of three (3) days is truant (E.C. 48260). A student who is absent from school without a valid excuse for 10% or more of the school days in one school year, from the date of enrollment to the current date, is considered a chronic truant. (E.C. 48263.6) Students who are found to be truant will be referred to the HUSD School Attendance Review Board for appropriate action. Parents or guardians of students who are found to be truant are subject to criminal complaint and may be prosecuted. (E.C. 48292)

Upon a pupil's initial classification as truant, the school district shall notify the pupil's parent/guardian, by first-class mail or other reasonable means, of the following:

- a. That the pupil is truant.
- b. That the parent/guardian is obligated to compel the attendance of the pupil at school.
- c. That parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27.
- d. That alternative educational programs are available in the district.
- e. That the parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
- f. That the pupil may be subject to prosecution under Section 48264.
- g. That the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Section 12303.7 of the Vehicle Code.
- h. That it is recommended that the parent/guardian accompany the pupil to school and attend classes with the pupil for one day. (E.C. 48260.5)

DISCIPLINE

ATTENDANCE OF SUSPENDED CHILD'S PARENT/GUARDIAN FOR PART OF A SCHOOL DAY – The student's parent or guardian may be required to attend a portion of a school day in the classroom of his or her child or ward. The attendance of the parent or guardian shall be limited to the class from which the pupil was suspended for violations of education codes education code section 48900 subdivisions i or k on the day the student returns to class or within one week thereafter. The policy shall take into account reasonable factors that may prevent compliance with a notice to attend. Employer sanctions are prohibited. (E.C. 48900.1)

DRESS CODE/GANG-RELATED APPAREL – It is the intent of the Board, District, and site personnel to provide a safe, healthy and educationally motivating environment for students. Street gangs and hate groups operating throughout Southern California have been associated with a number of instances of violence and illegal activities. Many students and their parents fear the presence of such gangs. Jackets, bandanas, hats, jewelry and other signs and insignia of group membership disrupt campuses by engendering fear and posing a potential for violence in the form of inter-group conflict. Therefore, the Board of Education finds the wearing of gang signs, insignia and distinctive modes of dress to be on its face a violation of its policy on student dress, and instructs and directs such group identification to be prohibited on the Hesperia Unified School District campuses and at any District function or activity. Any clothing or accessories identified by the San Bernardino Sheriff's Department as being gang-related will be forbidden on campus. (E.C. 35183, HUSD B.P. 5132)

GROUNDS FOR SUSPENSION OR EXPULSION – Students may be suspended and/or recommended for expulsion for the following offenses:

California Education Code **48900**: (Grades K - 12)

- a. (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or (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 any 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 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 any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
 - 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 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 as defined in Section 245.6 of the Penal Code.
 - 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.

- t. A pupil aids or abets as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person.

California Education Code **48900k** (Grades 4 – 12)

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.

California Education Code **48900.2** (Grades 4 - 12)

Committed sexual harassment as defined in E.C. Section 212.5.

California Education Code **48900.3** (Grades 4 - 12)

Caused, attempted to cause, threatened to cause, or participated in, an act of hate violence, as defined in subdivision (e) of E.C. Section 233.

California Education Code **48900.4** (Grades 4 - 12)

Intentionally engaged in harassment, threats, or intimidation, directed against school district 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.

California Education Code **48900.7**

Has made terroristic threats against school officials or school property, or both. 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, 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 district property, or the personal property of the person threatened or his or her immediate family.

California Education Code **48915-MANDATORY RECOMMENDATION FOR EXPULSION** (Grades K - 12)

- (A)
1. Causing serious physical injury to another person, except in self-defense.
 2. Possession of any knife, or other dangerous object of no reasonable use to the pupil.
 3. 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 the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
 4. Robbery or extortion.
 5. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- (C)
1. Possessing, selling, or otherwise furnishing a firearm.
 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.

NOTIFICATION TO TEACHERS – Teachers shall be notified if one of their students has committed any of the acts described in 48900, (except 48900 (h), or 48900.2, 48900.3, 48900.4 or 48900.7 within the past three years of the current school year. (E.C. 49079)

LASER POINTERS – Possession of a laser pointer by any student on any elementary or secondary school premise is prohibited unless possession is for valid instruction. It is further prohibited that a laser pointer be pointed into the eyes of another, into a moving vehicle, or into the eyes of a guide dog, signal dog, service dog, or dog being used by a peace officer. (PC 417.27)

SCHOOL DISCIPLINE RULES – The parent or guardian of any student has the right to inspect the District’s discipline rules, which are available at each school site and at the District Office during regular office hours. School sites may adopt rules and procedures on school discipline to maintain the welfare and safe conduct of students. (E.C. 35291 and E.C. 35291.5)

STUDENT CONDUCT, PHYSICAL CONTROL – Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000 of this code. (E.C. 44807, Amend. Stats. 1976, Ch. 1010)

STUDENT RESPONSIBILITIES – Every pupil shall attend school punctually and regularly; conform to the regulations of the school; obey promptly all the directions of his/her teacher and others in authority; be diligent in study; be kind and courteous to schoolmates; and refrain from the use of profane and vulgar language. (C.C.R. Title 5, Sec. 300, Reg. 77, No. 39)

EXPULSION PROCEDURES – Written notice of an expulsion hearing shall be forwarded to the pupil at least ten calendar days prior to the hearing. The parent and student have the right to be represented by legal counsel or a non-attorney advisor. Written results of the hearing shall be forwarded to the parent/guardian by the superintendent or designee. Parents must notify any new district of enrollment of the pupil's status in the expulsion process. The notice to expel shall include a notice of the educational alternative placement to be provided to the pupil during the time of expulsion. Governing boards have the authority to issue subpoenas. Subpoenaed witnesses shall be informed regarding their receipt of applicable fees. (E.C. 48918)

VICTIM OF A VIOLENT CRIME – A student who becomes a victim of a violent criminal offense while in or on the grounds of school that the student attends, has the right to transfer to another school within the district. For more information, please contact your child’s school.

HEALTH/HEALTH EDUCATION

ANAPHYLAXIS TREATMENT – Requires school districts, county offices of education, and charter schools to provide emergency epinephrine auto-injectors to school nurses and trained personnel and authorizes them to use epinephrine auto-injectors to provide emergency medical aid to persons suffering or reasonably believed to be suffering from a life-threatening severe allergic reaction (anaphylaxis). (EC 49414)

ASBESTOS MANAGEMENT PLAN – Parents, guardians, teachers and employee organizations may, upon request, review the complete, updated management plan for asbestos-containing materials in school buildings. (Code of Federal Regulations, Title 40 (40 CFR Section 763.93))

CHILD HEALTH AND DISABILITIES PREVENTION PROGRAM – The parent or guardian of all kindergarten students shall be provided with information regarding the health screening and evaluation and other benefits provided under Chapter 2, Article 3.4 of the “Health & Safety Code.” (H & S Code 124085, 124100, and 124105)

CONCUSSION AND HEAD INJURIES – Requires, on a yearly basis, a concussion and head injury information sheet to be signed and returned by the athlete and the athlete’s parent or guardian before the athlete initiates practice or competition. The provisions would not apply to an athlete engaged in an athletic activity during the regular school day or as part of a physical education course. (CE 49475)

CONFIDENTIAL MEDICAL SERVICES – School authorities may excuse any pupil in grades 7 to 12 from the school for the purpose of obtaining confidential medical services without the consent of the pupil’s parent or guardian. (E.C. 46010.1)

DENTAL SCREENING – All students grades K-6 are eligible to receive a free dental screening annually. This screening is conducted by our District registered nurses and/or other health care professionals at your child’s elementary school. Please contact your child’s elementary school if you have questions or wish to opt out of this free service.

EXCUSE FROM INSTRUCTION - RELIGIOUS BELIEFS – By written request of the parent or guardian regarding any part of the instruction in health, family life education, AIDS education, sex education, and child abuse primary prevention

program conflicting with the religious training and beliefs of the parent or guardian of any pupil, the pupil shall be excused from the part of the training which conflicts with such religious training and beliefs. (E.C. 51240 and W&I C. 18976.5)

EXCUSE FROM INSTRUCTION - AIDS/AIDS PREVENTION – At the beginning of the school year or upon new student enrollment, each parent or guardian shall be notified of the purposes of AIDS prevention instruction and of their right to request copies of Education Code Section 51933 and Section 51934 related to AIDS prevention instruction. This notice will advise the parent or guardian whether the comprehensive sexual health education or HIV/AIDS prevention education will be taught by school district personnel or by outside consultants. If a school elects to provide comprehensive sexual health education or HIV/AIDS prevention education by outside consultants or guest speakers, the notice shall include the date of the instruction, and the name of the organization or affiliation of each guest speaker. The notice shall further specify that any parent or guardian may request that his/her child not receive AIDS prevention instruction. (E.C. 51938)

HEARING AND VISION TESTING – Each child’s vision shall be appraised every third year until the child has completed the eighth grade. (E.C. 49455) Each child shall be given a hearing screening test in kindergarten or first grade and in second, fifth, eighth, tenth, or eleventh grades and upon first entry into the California public school system. (C.C.R. Title 17) These sections do not apply to any child whose parents file with the principal a statement in writing, signed by the parent or guardian, stating that he will not consent to a physical examination of his child. Thereupon the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, he shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist.

HOSPITALIZED STUDENT – Any pupil with a temporary disability who is hospitalized, shall be deemed to have met the residency requirements for school attendance in the school district in which the hospital is located. (E.C. 48207) The parent or guardian of a pupil with a temporary disability has the primary responsibility to notify the school district in which the hospital is located that the student is a patient. After review of the statement of the attending physician, the school district where the hospital is located will make a determination within five working days as to the possibility of providing individualized instruction to the student. (E.C. 48208)

IMMUNIZATIONS FOR COMMUNICABLE DISEASES – The Governing Board is authorized to permit licensed personnel to administer immunizing agent to pupils, whose parents have consented in writing, to prevent or control communicable diseases. District Health Services personnel provides immunizations once a month for a small fee. Please contact Health Services for details. (E.C. 49403)

IMMUNIZATIONS – The governing authority of each school district shall prohibit from further attendance any pupil in transitional kindergarten through 12th grade admitted conditionally who failed to obtain the required immunizations within the time limits allowed in the regulations of the State Department of Public Health, unless the pupil is exempted under Sections 3385 (Contrary to Beliefs) or 3386 (Medical Circumstance), until that pupil has been fully immunized against Hepatitis B, diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, and varicella. The governing board of the district shall notify the parent or guardian of the pupil that they have two weeks to supply evidence either that the pupil has been properly immunized, or that the pupil is exempted from the immunization requirement pursuant to Section 120370 of the Health and Safety Code. **Students must be immunized against certain communicable diseases. Students are prohibited from attending school unless immunization requirements are met for age and grade. The school district shall cooperate with local health officials in measures necessary for the prevention and control of communicable diseases in school age children. The district may use any funds, property, or personnel and may permit any person licensed as a physician or registered nurse to administer an immunizing agent to any student whose parents have consented in writing.**

Beginning January 1, 2016, parents of students in any school, will no longer be allowed to submit a personal beliefs exemption to a currently required vaccine. A personal beliefs exemption on file at school prior to January 1, 2016 will continue to be valid until the student enters the next grade span at kindergarten (including transitional kindergarten) or 7th grade.

Students are not required to have immunizations if they attend a home-based private school or an independent study program and do not receive classroom-based instruction. However, parents must continue to provide immunizations records for these students to their schools. The immunization requirements do not prohibit students from accessing special education and related services required by their individualized education programs.

A student not fully immunized may be temporarily excluded from a school or other institution when that child has been exposed to a specified disease and whose documentary proof of immunization status does not show proof of

immunization against one of the communicable diseases described above. (Health and Safety Code 120375 and E.C. 48216(b), 49403) **Please note: All 7th grade students must also provide proof of a pertussis booster. This is also referred to as the TDAP vaccination.**

INDIVIDUALIZED INSTRUCTION – Upon providing a physician’s statement that a pupil with a temporary disability which makes attendance in the regular day classes or alternative education program in which the pupil is enrolled impossible or inadvisable for a minimum period of two (2) weeks, the pupil shall be eligible to receive individual instruction provided by the district in which the pupil is deemed to reside. (E.C. 48206.3) (E.C. 48980 b)

MEDICAL/ACCIDENT INSURANCE – Hesperia Unified School District does not provide payment for, or make available at a reduced cost, medical and hospital services for pupils who are injured in accidents related to school activity or attendance. The parent or legal guardian of any pupil may purchase insurance through the school district to defray the cost of medical treatment for illness, sports injuries, or injuries to pupils of the district arising out of accidents occurring while in or on buildings and other premises of the district during the time such pupils are required to be therein or by reason of their attendance upon a regular day school or while being transported by the district to and from school or other place of instruction, or while at any other place as an incident to school-sponsored activities and while being transported to, from and between such places. (E.C. 32221.5 and E.C. 49472)

HEALTH CARE COVERAGE – Your child and family may be eligible for free or low-cost health coverage. For information about health care coverage options and enrollment assistance, contact your child’s school or go to www.CoveredCA.com. (EC 49452.9)

MEDICATION – Please note: In all cases in the following paragraphs, any reference to a physician, surgeon, or nurse means a physician, surgeon or nurse who is licensed to practice in the State of California. The parent or legal guardian of any pupil on medication shall annually inform the school of the medication being taken, the current dosage, and the name of the supervising physician. All medications will be maintained by and kept in the appropriate school office. Medication for K-12 students must be delivered to the school by the parent or guardian with written physician instructions for use. (E.C. 49480) Any pupil who is required to take, during the regular schoolday, medication prescribed for him or her by a physician or surgeon, **may be assisted** by the school nurse or other designated school personnel or may carry and self-administer prescription auto-injectable epinephrine if the school district receives the appropriate written statements: (1) a written statement (**renewed annually**) from such physician detailing the medication, method, amount, and time schedules by which the medication is to be taken; and (2) a written statement (**renewed annually**) from the parent, foster parent, or guardian of the pupil indicating the desire that the school assist the pupil in the matters set forth in the statement of the physician (E.C. 49423). **Please note:** The appropriate district personnel, i.e. registered nurses, will determine on a case-by-case basis when the annual written statements contain the required elements and which school personnel can be designated to help administer a specific medication to a specific student.

In order for a pupil to carry and self-administer prescription auto-injectable epinephrine, the school district must receive: (1) a written statement from the physician or surgeon 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, and (2) a written statement from the parent, foster parent, or guardian of the pupil consenting to the self-administration, providing a release for the school nurse or other designated school personnel to consult with the health care provider of the pupil regarding any questions that may arise with regard to the medication, and releasing the school district and school personnel from civil liability if the self-administering pupil suffers an adverse reaction as a result of self-administering medication pursuant to this paragraph.

These written statements shall be provided at least annually and more frequently if the medication, dosage, frequency of administration or reason for administration changes. (E.C. 49423)

A pupil may be subject to disciplinary action pursuant to Section 48900 if that pupil uses auto-injectable epinephrine in a manner other than as prescribed.

ADMINISTRATION OF EPILEPSY MEDICATION E.C. 49414.7 – If a pupil with epilepsy has been prescribed an emergency antiseizure medication by his or her health care provider, the pupil’s parent or guardian may request the pupil’s school to have one or more of its employees receive training in the administration of an emergency antiseizure medication in the event that the pupil suffers a seizure when a nurse is not available.

ASTHMA MEDICATION – Any pupil who is required to take, during the regular schoolday, medication prescribed for him or her by a physician or surgeon, may be assisted by the school nurse or other designated school personnel or may carry and self-administer inhaled asthma medication if the school district receives the appropriate written statements specified below.

In order for a pupil to be assisted by a school nurse or other designated school personnel pursuant to subdivision (a), the school district must receive: (1) a written statement from the physician or surgeon detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken and (2) a written statement from the parent, foster parent, or guardian of the pupil requesting that the school district assist the pupil in the matters set forth in the statement of the physician and surgeon.

In order for a pupil to carry and self-administer prescription inhaled asthma medication the school district must receive: (1) a written statement from the physician and surgeon 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 inhaled asthma medication, and (2) a written statement from the parent, foster parent, or guardian of the pupil consenting to the self-administration, providing a release for the school nurse or other designated school personnel to consult with the health care provider of the pupil regarding any questions that may arise with regard to the medication, and releasing the school district and school personnel from civil liability if the self-administering pupil suffers an adverse reaction by taking medication pursuant to this section.

The written statements specified in this subdivision shall be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes.

A pupil may be subject to disciplinary action pursuant to E.C. Section 48900 if that pupil uses inhaled asthma medication in a manner other than as prescribed. (E.C. 49423.1)

NUTRITION – Free and reduced price lunches are available to qualifying students. Free and reduced priced applications are available to all students. Notices offering the program to qualified families are sent to the newspaper and unemployment offices. Students who qualify can submit applications at the school offices. (E.C. 49500-49512, E.C. 49520 and E.C. 48980(b))

ORAL HEALTH ASSESSMENT – Record of a dental assessment done by a dental professional is required for all kindergarteners and first graders attending public school for the first time. Dental assessments must be completed in the 12 months prior to entry or by May 31st of the pupil's first school year. (E.C. 49452.8)

PHYSICAL EXAMINATION – A parent or guardian may file annually with the principal a statement in writing, signed by the parent or guardian, stating that he/she will not consent to a physical examination of his/her child and the child shall be exempt from any physical examination. If there is good reason to believe that the child is suffering from a recognized contagious or infectious disease, he/she shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist. (E.C. 49451)

SCOLIOSIS SCREENING – Every female pupil in grade 7 and every male pupil in grade 8 will be screened for the condition known as scoliosis. The screening shall be in accordance with standards established by the State Department of Education. (E.C. 49452.5)

SEX EDUCATION – If classes are offered in which human reproductive organs and their functions and processes are described, illustrated or discussed, the parent or guardian of each pupil enrolled in such class shall first be notified in writing of the class. A parent or guardian may request, in writing, that his/her child not attend the class. Any written or audiovisual material to be used in the class shall be available for inspection by the parent at reasonable times and places prior to the holding of the course. Written and audiovisual educational materials that are used are available. This section shall not apply to descriptions or illustrations of human reproductive organs which may appear in a textbook, adopted pursuant to law, on physiology, biology, zoology, general science, personal hygiene, or health. (E.C. 51933 and E.C. 51938)

SEXUALLY TRANSMITTED DISEASE INSTRUCTION – If sexually transmitted disease education is offered, the parent or guardians of the pupils enrolled shall be notified in writing of the instructional program. Any written or audiovisual material to be used in the class shall be available for inspection by the parent at reasonable times and places prior to the holding of the course. The parent or guardian may request in writing that his/her child or ward not participate. All public elementary, junior high, and senior high school classes that teach sex education and discuss sexual intercourse shall emphasize that abstinence from sexual intercourse is the only protection that is 100 percent effective against unwanted teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome (AIDS) when transmitted sexually. All material and instruction in classes that teach sex education and discuss sexual intercourse shall be age appropriate. (E.C. 51934 and E.C. 51938)

INSTRUCTION/COUNSELING

CAREER COUNSELING – Commencing with grade 7, school personnel shall assist pupils with course selections or career counseling, exploring the possibility of careers, or courses leading to careers based on the interest and ability of the pupil and not on the pupil's gender. Parents or legal guardians are notified so that they may participate in such counseling sessions and decisions. (Title VI, Civil Rights Act; Title IX; and E.C. 221.5(d))

PUPIL'S RIGHT TO REFRAIN FROM THE HARMFUL OR DESTRUCTIVE USE OF ANIMALS – Any pupil with a moral objection to dissecting or otherwise harming or destroying animals shall notify his/her teacher regarding this objection. The parent or guardian must provide a signed note indicating the pupil's objection. The teacher and the pupil may agree to an alternative educational project. (E.C. 32255-32255.6)

TESTS – No test, questionnaire, survey or examination, containing any questions about the pupil's, parent's, or guardian's personal beliefs or practices in sex, family life, morality and religion shall be administered to any pupil unless the parent or guardian gives prior written permission. (E.C. 51513)

HOMELESS YOUTH EDUCATION – Requires every local education agency to appoint a homeless liaison to ensure parents of homeless pupils are informed of educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children. Unaccompanied youth, such as teen parents not living with their parent/guardian or students that have run away or have been pushed out of their homes, have access to these same rights. (42 US 11432, E.C. 51225.1 and 51225.2) Liaison contact information: Tom Loomis, Director of Student Services, (760) 244-4411 ext. 7233

Homeless youth are allowed educational rights, such as: immediate enrollment, remain in school of origin, enrollment in local comprehensive school, partial credits, graduation with state minimum requirements with possible fifth year/exemption from local graduation requirements, and access to academic resources, services, and extracurricular activities. A local educational agency must provide a remedy to the affected pupil following the Uniform Complaint Procedures, including information regarding exemption from location graduation requirements, if educational rights are not allowed at the public high school.

FOSTER YOUTH EDUCATION – Foster youth are allowed educational rights, such as: immediate enrollment, remain in school of origin, enrollment in local comprehensive school, partial credits, graduation with state minimum requirements with possible fifth year/exemption from local graduation requirements, and access to academic resources, services, and extracurricular activities. A local educational agency must provide a remedy to the affected pupil following the Uniform Complaint Procedures, including information regarding exemption from location graduation requirements, if educational rights are not allowed at the public high school. Liaison contact information: Tom Loomis, Director of Student Services, (760) 244-4411 ext. 7233

STATEWIDE PUPIL ASSESSMENT PROGRAMS – California Assessment of Student Performance and Progress (CAASP) **A parent or guardian can request in writing to school officials to excuse his or her child from any or all parts of assessments administered under the statewide Pupil Assessment Program.** (E.C. 60640 and E.C. 60615)

PROMOTION/RETENTION OF PUPILS – Parents should be notified when a pupil is identified as being at risk of retention. Notice shall be provided as early in the school year as practicable (E.C. 48070.5). Parents are strongly encouraged to speak with their child's classroom teacher frequently to ensure that their child is progressing academically. Early intervention is critical to student success. Parents should review graded papers, tests, and homework with your child daily. If you believe that your child is not grasping important concepts, or if you see a series of poor grades within a subject, contact your child's teacher immediately. Parents can communicate with their child's teacher by writing notes, calling the teacher, and making appointments for a parent/teacher conference. Parents may contact the school office to set up appointments to meet with teachers and administrators to discuss their child's academic progress.

RIGHTS & RESPONSIBILITIES OF PARENTS/GUARDIANS WITH CHILDREN IN PUBLIC SCHOOL – Parents and guardians of pupils have the responsibility to work together in a mutually supportive and respectful partnership with the schools in order to obtain a working agreement for the following rights:

- To observe in their child's classroom (upon reasonable notice).
- To meet with their child's teacher and the school principal (upon reasonable notice).
- To volunteer their time and resources at school.

To be notified on a timely basis if their child is absent from school without permission.
 To be notified concerning their child's classroom and standardized test performance.
 To request a specific school and/or teacher and to receive a response from the school district. (This does not obligate the school district to grant the request).
 To have a safe and supportive learning environment for their child.
 To examine curriculum materials of their child's class.
 To be informed of their child's progress and appropriate school personnel to contact in the event of problems.
 To access student records for their child.
 To receive information about the academic performance standards, proficiencies, or skills their child is expected to accomplish.
 To be informed in advance about school rules, policies, dress codes, and procedures for visiting the school.
 To receive information about any psychological testing of their child and to deny permission for such testing.
 To participate as a member of any school site councils or parental advisory councils at the school, in accordance with governing membership.
 To question, and receive an answer regarding, items in their child's record that appear inaccurate, misleading, or that invade privacy.
 To be notified as early in the year as practical if their child is identified as being at-risk of retention and the right to consult with school personnel regarding any decision to promote or retain and to appeal a decision to promote or retain.
 (E.C. 51101)

RIGHT TO INSPECT INSTRUCTIONAL MATERIALS – Parents or guardians of pupils have the right to inspect all instructional materials and assessments, including books, teacher's manuals, films, tapes, and software that are provided for educational purposes. The district has compiled a course of study document that outlines all the courses offered in grades 7 through 12. Information includes titles, descriptions and instructional aims of every course. (AB 1216) (E.C. 49091.14)

PERSISTENTLY DANGEROUS SCHOOLS – The Hesperia Unified School District strives to maintain safe and orderly schools. In the unlikely event that one of our schools was designated a persistently dangerous school, parents/guardians would be notified of their option to have their pupil attend a safe public school. (20 U.S.C. 7912)

TEACHER QUALIFICATIONS – Parents and guardians have the right to request information regarding the professional qualifications of their child's teacher including:

- Whether the teacher has met state credential or license criteria for grade level and subject matter taught.
- Whether the teacher is teaching under emergency or other provisional status.
- The baccalaureate degree major of the teacher and any other graduate certification or degrees held.
- Whether the child is provided services by paraprofessionals, and, if so, their qualifications.
- To be notified if their child is taught by a teacher that is not "highly qualified" for four consecutive weeks.
 (Section 9101(23) *No Child Left Behind Act*)

SPECIAL EDUCATION

CHILD FIND – It is the policy of the Desert/Mountain SELPA that all students with disabilities, birth through 21, be actively sought, identified, assessed and served as appropriate. (E.C. 56300 - 56303)

HANDICAPPED INDIVIDUALS – No otherwise qualified handicapped individual in the United States, shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Section 504 of the Rehabilitation Act of 1973)

SPECIAL EDUCATION – Every individual with a disability who is eligible to receive Special Education instruction and/or related services shall receive such education or services in the least restrictive environment, at no cost to the parents or student. No pupil may be required to participate in any special class or program unless the parent is first apprised of the facts which make participation in the special program necessary or desirable, and after such notice, parental consent to the placement and the individual education plan must be received in writing. (E.C. 56040; E.C. 56346; E.C. 56301; E.C. 56506; Individuals with Disabilities Act (IDEA))

ASSESSMENT/DUE PROCESS – Parents will be notified that upon completion of the assessment for special education, an individualized education program team meeting will be held. The purpose of the meeting will be to discuss the assessment, the educational recommendations, and the reasons for the recommendations. Additionally, parents are entitled to a copy of the assessment report and the documentation of determination of eligibility. (E.C. 56329)

AGE OF MAJORITY – Beginning at least one year before special education pupils reach the age of 18, they are to be informed of their rights that will transfer to them upon reaching the age of 18. A statement of this nature shall be included in the individualized education program. (E.C. 56345 (a)(8))

STUDENT RECORDS

DIRECTORY INFORMATION – The District has designated each student’s name, address, telephone listing, date of birth, email address, major field of study, the record of participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards and degrees received, and the most recent previous school attended by the student, as directory information pertaining to any student, and this information may be released by the school without parental or guardian consent unless the parent or guardian files a written request with the school within ten days of publication of this notice that any or all of the information designated shall not be released without parent’s or guardian’s prior consent. (E.C. 49061; E.C. 49064; E.C. 49073 and Public Law 93-380)

FAMILY RIGHT TO PRIVACY ACT – In accordance with state laws, records will be forwarded to any school requesting them due to enrollment of the student. Either a parent or guardian or a student who has reached the age of 18 may have access to all written records maintained by the school. Such records include records of attendance, grades, scholastic honors and achievement, test records, health records as well as miscellaneous anecdotal material and all other information maintained in the cumulative record of the student.

It is the policy of the District that parents, guardians, or eligible students may examine such records upon request with reasonable notice. 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. Access shall be granted no later than five business days following the date of the request. The parent or guardian of a student may request the principal remove any information recorded in the written records concerning his/her child or ward which he/she alleges to be: inaccurate, an unsubstantiated personal conclusion or inference; a conclusion or inference outside of the observer’s area of competence; or not based on the personal observation of named person with the time and place of the observation noted. If the principal denies such request, the parent or guardian of a student may file a written request with the Superintendent or designee of the District to remove any such information. If the Superintendent or designee denies the request and refuses to order the removal of the information, the parent or guardian may, within 30 days of the refusal, appeal the decision in writing to the Board of Trustees. The decision of the Board of Trustees will be final. The parent or guardian shall have the right to submit a written statement of his/her 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. (Family Education Rights and Privacy Act of 1974, E.C. 49063, 49069)

The parent or guardian of a student has the right to consent to disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorized disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interest. 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). 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 (E.C. 49064).

You may contact Mr. Tom Loomis, Director of Student Services at (760) 244-4411, ext. 7233, if you have questions or need assistance with these policies. Parents or guardian have the right to file a complaint with the U.S. Department of Education concerning alleged failures to the School District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

SUSPENSION AND EXPULSION RECORDS – A school district to which a pupil is transferring to shall request, from the district of last enrollment, any records of acts committed that resulted in suspension or expulsion. Upon receipt of this information, the district shall inform the pupil’s teacher(s) of the suspension(s) or expulsion(s) including the acts committed. (AB 29)

UNIFORM COMPLAINT PROCEDURES

The Governing Board of the Hesperia Unified School District recognizes that they have primary responsibility for ensuring compliance with state and federal laws and regulations governing educational programs. The Hesperia Unified School District does not discriminate on the basis of actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, 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 that receives or benefits from state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid program, migrant education, vocational education, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements, accommodations to lactating students on campus, foster youth, homeless children, 200 minutes of physical education instruction each 10 school days, class assignment to a repeat course or a class with no educational content, unlawful imposition of pupil fees for participation in educational activities in public schools; and failure to comply with the requirements established through the Local Control Funding Formula related to the Local Control and Accountability Plan. Please note: the CDE has interpreted the school safety plan complaint filing requirement to include only complaints as to the development and adoption of the safety plan. In compliance with regulations required by Title IX of the Educational Amendments of 1972 and Department Regulations and the Civil Rights Act of 1964, we would like to make you aware of your right to complain about a violation in any of these areas, and the District representative to contact. (Uniform Complaint Procedures 5CCR 4622: EC 32289, 52060, 52076, 47606.5 and 47607.3).

The following procedures should be followed if you feel you or your child have been discriminated against or your civil rights have been violated in curriculum, co-curricular activities or services, facilities, or school policies:

1. Notify the site administrator, either verbally or in writing, of the complaint. The site administrator will investigate the complaint and make every attempt to resolve the concern at the appropriate level. The Site Administrator will notify the Director of Student Services, the Assistant Superintendent of Personnel Services or the Director of Special Services if they observe or receive a report of behavior or circumstances that may constitute discrimination. Complaint forms may be obtained from the office of the Director of Student Services, free of charge.

The following are the Hesperia Unified School District Complaint Officers/Title IX Coordinators and their respective areas of responsibility:

Student and Parent Concerns – Tom Loomis, Director of Curriculum and Student Services, at (760) 244-4411, ext. 7233.

Hesperia Unified School District's Hiring Process – Paige Moyer, Director of Personnel Services at (760) 244-4411, ext. 7295.

Section 504 of the Rehabilitation Act of 1973 – Matthew Fedders, Director of Special Services, at (760) 244-4411, ext. 7209.

The complaint shall be presented to the appropriate compliance officer/investigator, who then (within three working days may assign it to himself or give it to the appropriate investigator. The appropriate compliance officer will maintain a log of uniform complaints received, provided each with a code number and a date stamp. Complaints will be considered received, and the sixty (60) day timeline initiated when they are logged in the office of the compliance officer who initially issued the uniform complaint form. Complaints will be logged during normal business hours.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or a disability, district staff shall help him/her to file the complaint (Title 5, Section 4600). The district will provide language interpretation for any complainant whenever feasible. If it is not feasible to provide a language interpreter, the district will arrange a meeting at which a community member will interpret for the complainant.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individual has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination (Title 5, Section 4630). If the complainant does not return the completed form within six (6) months of issuance, the District will consider the complaint form null and void, and the complaint closed. This code provides for extensions in certain limited circumstances (Section 4639(b)).

The compliance officer shall be notified upon receipt of a written complaint pertaining to programs covered by these procedures. He/she will:

- a. Maintain a log of complaints received, providing each with a code number and a date stamp.
- b. Coordinate an investigative meeting after receiving the complaint, to allow you and/or your representative to repeat the complaint orally. The District representative(s) will also have an opportunity to present information relevant to the complaint.
- c. Prepare, and, within sixty calendar days of receiving the complaint, send you a written report of the District's investigation and decision unless the complainant agrees in writing to an extension of the sixty (60) calendar day timeline.

2. & 3. If you are not satisfied with the District's decision, you may:

- a. Appeal in writing to the California Department of Education within fifteen days of receiving the District's decision. Any appeal to the California Department of Education must include a copy of the locally filed complaint and a copy of the Hesperia Unified School District's decision.
- b. Obtain low cost legal services from the following agencies:

Inland Counties Legal Services
14196 Amargosa Road
Victorville, CA 92392
Telephone: (760) 241-7073

Disability Rights - California
350 S. Bixel Street, Suite 290
Los Angeles, CA 90017
Telephone: (213) 213-8000

c. Seek civil law remedies outside of the District's complaint procedures. Such remedies may include, but are not limited to, injunctions, restraining orders, or other remedies or orders. Civil law remedies will be available to complainants no sooner than 60 days after filing an appeal with the California Department of Education. The moratorium does not apply to injunctive relief and is applicable only if the District has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5CCR4622. (E.C. 262.3)

These procedures shall **not** apply to the following types of complaints:

1. Allegations of child abuse.
2. Health and safety complaints related to a child development program.
3. Employment discrimination.
4. Allegations of fraud.

If you have any further questions regarding these procedures, please call Tom Loomis, Director of Student Services at (760) 244-4411, ext. 7233.

For questions or concerns regarding Title IX, please contact:

Title IX Coordinator – Tom Loomis, Director of Student Services, at (760) 244-4411, ext. 7233.

MISCELLANEOUS

DISCRIMINATION – The Hesperia Unified School District does not discriminate on the basis of age, disability, gender, gender identity, gender expression, marital status, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics, or any other characteristic that is contained in the definition of hate crimes set forth in section 422.55 of the Penal Code, equal rights and opportunities in the educational institutions of the state. (E.C. 200) The District is committed to providing a safe school environment where all individuals in education are afforded equal access and opportunities. The District's academic and other educational support programs, services, and activities shall be free from discrimination, harassment, intimidation, and bullying. The District will notify parents in their native language if the service area contains a community of minority persons with limited English language skills. The District will take steps to assure that the lack of English will not be a barrier to admission and participation in District programs. Complaints of unlawful discrimination, harassment, intimidation, or bullying are investigated through the Uniform Complaint Process. Such complaints must be filed no later than six months after knowledge of the alleged discrimination was first obtained. For a complaint form or additional information, contact Tom Loomis, Director of Student Services at 760-244-4411 ext. 7613. (Title VI, Civil Rights Act of 1964 & Title IX, Educational Amendment Act of 1972, E.C. 51101.1)

CAL GRANT PROGRAM – In order to assist students to apply for financial aid, all students in grade 12 are automatically considered a Cal Grant applicant and each grade 12 student’s GPA will be submitted to the California Student Aid Commission (CASC) electronically by a school or school district official. A student, or the parent/guardian of a student under 18 years of age, may complete a form to indicate that he/she does not wish for the school to electronically send CASC the student’s GPA. Until a student turns 18 years of age, only the students may opt himself/herself out, and can opt in if the parent/guardian had previously decided to opt out the student. All grade 12 students’ GPA will be sent to CASC. (EC 69432.9)

COMPETITIVE ATHLETICS – Commencing with the 2015-2016 school year and every year thereafter, each public elementary and secondary school, including each charter school, that offers competitive athletics, shall publicly make available at the end of the school year all of the following information:

1. The total enrollment of the school, classified by gender.
2. The number of pupils enrolled at the school who participate in competitive athletics, classified by gender.
3. The number of boys’ and girls’ teams, classified by sport and competition level.

Schools shall make the information identified above publicly available by posting it on the school’s website.

“Competitive athletics” means sports where the activity has coaches, a governing organization, and practices, and competes during a defined season, and has competition as its primary goal. (EC 221.9)

CUSTODY ISSUES – Custody disputes must be handled by the courts. The school has no legal jurisdiction to refuse a biological parent access to his/her child and/or school records. The only exception is when signed restraining orders or proper divorce papers, specifically stating visitation limitations, are on file in the school office. Any student release situation which leaves the student’s welfare in question will be handled at the discretion of the site administrator or designee. Should any such situation become a disruption to the school, law enforcement will be contacted and an officer requested to intervene. Parents are asked to make every attempt to not involve school sites in custody matters. The school will make every attempt to reach the custodial parent when a parent or any other person not listed on the emergency card attempts to pick up the child.

DAMAGE OR LOSS OF SCHOOL PROPERTY – When school property, including school issued computers or other electronic devices has been willfully damaged or not returned upon demand, the principal or designee shall inform the parent/guardian in writing of the responsible student’s alleged misconduct and the reparation that may be due. This notice shall include a statement that the District may withhold grades, diploma or transcripts from the student and parent/guardian until reparation is made. (E.C. 48904)

FINGERPRINTING – Fingerprinting of students is not required. Parents and/or guardians will be notified if the District offers fingerprinting. (E.C. 32390)

INTERNET ACCESS/ON-LINE SITES – The Governing Board recognizes that technology provides ways to access the most current and extensive sources of information. Technology also enables students to practice skills and to develop reasoning and problem-solving abilities. In addition, electronic resources foster workplace skills that may be transferable to new technologies. Every effort shall be made to provide equal access to technology throughout the district’s schools and classes.

To discourage access to adult content on on-line electronic services and preclude other misuses of the system, the Superintendent or designee shall establish age/grade-level qualifications and shall ensure that student’s receive training in user obligations and responsibilities.

Before using on-line services, the student and parent/guardian shall sign the district’s user contract indicating that the student understands and agrees to abide by specified user obligations and responsibilities.

Staff shall supervise students while using online services and may ask instructional aides, parent volunteers and teacher assistant’s to assist in this supervision.

The Superintendent or designee shall establish administrative regulations governing use of the district’s on-line services. He/she shall ensure that users have no expectation of privacy and understand that district staff may monitor or examine all system activities to ensure proper use. Students who fail to abide by these regulations shall be subject to disciplinary action, revocation of the use account, and legal action as appropriate. (E.C. 48980(h) and A.R. 4148(a))

MILITARY RECRUITERS – Federal law requires school Districts to provide military recruiters the same access to secondary school pupils as is provided to post-secondary educational institutions or to prospective employers. Parents may request that the District not release their pupil’s name, address, and telephone number without prior written consent. Written notice must be submitted to the school if the parent or legal guardian wishes to deny access to this information.

SCHOOL ACCOUNTABILITY REPORT CARD (SARC) – Annually the District shall publish a SARC for each school, outlining pertinent information and progress for the preceding school year. A copy of the SARC is available upon request at your child’s school, and the Internet. (E.C. 33126, 35256, 35258)

Safe Place to Learn Act – The Hesperia Unified School District is committed to maintaining a learning environment that is free from discrimination, harassment, violence, intimidation, and bullying based on actual or perceived characteristics set forth in Section 422.55 of the Penal code and EC 220, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. All school personnel who witness an act of discrimination, harassment, intimidation, or bullying must take immediate steps to intervene when safe to do so. Any student who engages in acts of discrimination, harassment, violence, intimidation, or bullying related to school activity or school attendance occurring within a school of the school district may be subject to disciplinary action up to and including expulsion. To report an incident and/or to receive a copy of the district’s anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies, please contact your school.

SEXUAL HARASSMENT- HESPERIA UNIFIED SCHOOL DISTRICT – BOARD POLICY 5145.7

The Governing Board is committed to maintaining an educational environment that is free from any form of harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of the school district.

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

Sexual Harassment Prevention

District and school strategies shall focus on prevention of sexual harassment by providing age-appropriate training and information to students and staff, including, but not limited to, the District’s anti-harassment policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

Intervention

Students are encouraged to notify school staff immediately of any incidents of sexual harassment. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness incidents of sexual harassment shall immediately intervene to stop the incident when it is safe to do so.

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

Complaints and Investigation

The following position is the designated Coordinator to handle complaints regarding sexual harassment, and to answer inquiries regarding the District’s policies:

DIRECTOR OF STUDENT SERVICES

Any student that feels that he/she is being sexually harassed should immediately contact a teacher, site administrator, or the Director of Student Services. In addition, any student who observes any such incident should report the incident to a teacher, site administrator, or the Director of Student Services, whether or not the victim files a complaint. Any school employee who observes an incident of sexual harassment shall report the incident to a teacher, site administrator, or the Director of Student Services. 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. The Superintendent or designee may also establish other processes for students to submit anonymous reports of discrimination or harassment.

Complaints of sexual harassment shall be investigated immediately and resolved in accordance with site-level grievance procedures specified in AR 5145.7.

When a student is reported to be engaging in sexual harassment off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance. Law enforcement officials will be notified in accordance with the law.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

The Superintendent or designee shall ensure that the student handbook clearly describes the District's anti-harassment policy, procedures for filing a complaint regarding sexual harassment, and the resources that are available to students who witness or are subject to any such behavior. The District's policy shall also be posted on the District web site or any other location that is easily accessible to students, parents, and staff.

Discipline

Any student who engages in sexual harassment, on 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, which may include suspension or expulsion, in accordance with District Board Policies and Administrative Regulations.

Confidentiality

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.

SEXUAL HARASSMENT- HESPERIA UNIFIED SCHOOL DISTRICT – ADMINISTRATIVE REGULATION 5145.7

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

Examples of types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body or overly personal conversation.
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of sexual nature.

5. Spreading sexual rumors.
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class.
7. Massaging, grabbing, fondling, stroking, or brushing the body.
8. Touching an individual's body or clothes in a sexual way.
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex.
10. Displaying sexual suggestive objects.
11. Sexual assault, sexual battery, or sexual coercion.

School-Level Complaint Process/Grievance Procedure

Complaints of sexual harassment, or any behavior prohibited by the District's Nondiscrimination/Harassment policy – BP 5145.3 and Bullying policy - BP 5131.2, shall be handled in accordance with the following procedure:

1. **Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment, discrimination, or bullying or who has witnessed sexual harassment, discrimination, or bullying may file a complaint with any school employee. Within twenty-four (24) hours of receiving a complaint, the employee must report it to the Principal or designee at the school site. In addition, any school employee who observes any incident of sexual harassment, discrimination, or bullying involving a student shall, within twenty-four (24) hours, report this observation to the Principal or designee, whether or not the victim files a complaint. If the school employee receives the complaint on a Friday or a holiday, the employee must report it to the Principal the next business day.

In any case of sexual harassment, discrimination, or bullying involving the Principal to whom the complaint would ordinarily be made, the employee who receives the student's complaint or who observes the incident shall instead report to the Superintendent's designee.

2. **Initiation of Investigation:** The Principal or designee shall initiate an impartial investigation of an allegation of sexual harassment, discrimination, or bullying within five (5) school days of receiving notice of the sexually harassing, discriminatory, or bullying behavior, regardless of whether a formal complaint has been filed. The District shall be considered to have "notice" of the need for an investigation upon receipt of a complaint from a student who believes he/she has been subjected to sexual harassment, discrimination, or bullying, the student's parent/guardian, or an employee who received the complaint, any employee or student who witnessed the behavior, or any student, employee, or parent/guardian who filed an official complaint on the District's official complaint form.

If the Principal or designee receives an anonymous complaint or media report about alleged sexual harassment, discrimination or bullying, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

3. **Initial Interview with Student:** When a student or parent/guardian has complained or provided information about sexual harassment, discrimination, or bullying, the Principal or designee shall describe the District's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing on the District's official complaint form. If the student requests confidentiality, he/she shall be informed that such a request may limit the District's ability to investigate.

4. **Investigation Process:** The Principal or designee shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary or appropriate action. (5 CCR 4964)

The Principal or designee shall interview individuals who are relevant to the investigation, including but not limited to, the student who is complaining, the person accused of sexual harassment, discrimination, or bullying, anyone who witnessed the reported sexual harassment, discrimination, or bullying and anyone mentioned as having relevant information. The Principal

may take other steps such as reviewing any records, notes, or statements related to the sexual harassment, discrimination, or bullying complaint or visiting the location where the sexual harassment, discrimination, or bullying is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Principal or designee also may discuss the complaint with the Superintendent's designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and District legal counsel or the District's risk manager.

5. Interim Measures: The Principal or designee shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.

6. Optional Mediation: In cases of student-on-student sexual harassment, discrimination or bullying, when the student who complained and the alleged perpetrator so agree, the Principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

7. Factors in Reaching a Determination: In reaching a decision about the complaint, the Principal or if the complaint is sent to the Superintendent's designee may take into account:

- a. Statements made by the persons identified above.
- b. The details and consistency of each person's account.
- c. Evidence of how the complaining student reacted to the incident.
- d. Evidence of any past instances of sexual harassment, discrimination, or bullying by the alleged perpetrator.
- e. Evidence of any past sexual harassment, discrimination, or bullying complaints that were found to be untrue.

To judge the severity of the sexual harassment, discrimination, or bullying the Principal or if the complaint is sent to the Superintendent or designee may take into consideration:

- a. How the misconduct affected one or more students' education.
- b. The type, frequency, and duration of the misconduct.
- c. The identity, age, and sex of the alleged perpetrator(s) and the student who complained, and the relationship between them.
- d. The number of persons engaged in the sexual harassment, discrimination, or bullying conduct and at whom the sexual harassment, discrimination, or bullying was directed.
- e. The size of the school, location of the incidents, and context in which they occurred.
- f. Other incidents at the school involving different students.

8. Written Report and Findings and Follow-Up: No more than 30 days after receiving the complaint, the Principal, or if the complaint is sent to the Superintendent's designee, shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause.

9. Appeal Process: An appeal process will be afforded to the complainant should he or she disagree with the resolution of the complaint filed pursuant to this policy. The complainant may appeal in writing to the Superintendent within five (5) business days. The Superintendent will review the complaint and any associated documentation and will render a final decision within thirty (30) days.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that sexual harassment, discrimination, or bullying occurred, the report shall also include any corrective actions that have or will be taken to address the sexual harassment, discrimination, or bullying and prevent any retaliation or further sexual harassment, discrimination, or bullying. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

In addition, the Principal, or if the complaint is sent to the Superintendent's designee, shall ensure that the complainant student and his/her parent guardian are informed of the procedures for reporting any subsequent problems.

The Principal, or if the complaint is sent to the Superintendent's designee, shall make follow up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce the District's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.
2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond.
3. Disseminating and/or summarizing the District's policy and regulation regarding sexual harassment.
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community.
5. Taking appropriate disciplinary action.

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year.
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites.
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session.
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct.
5. Be included in the student handbook.
6. Be provided to employees and employee organizations.

NONDISCRIMINATION/HARASSMENT- HESPERIA UNIFIED SCHOOL DISTRICT – BOARD POLICY 5145.3

This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of the school district.

The Governing Board prohibits at any District school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expressions; 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.

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

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

Discrimination/Harassment Prevention

District and school strategies shall focus on prevention of discrimination, harassment, intimidation and bullying by providing age-appropriate training and information to students and staff, including, but not limited to, the District's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

The District may 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.

Intervention

Students are encouraged to notify school staff immediately of any incidents of discrimination, harassment, intimidation or bullying. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness incidents of discrimination, harassment, intimidation or bullying shall immediately intervene to stop the incident when it is safe to do so.

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

Complaints and Investigation

The following position is designated to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the District's nondiscrimination policies:

DIRECTOR OF STUDENT SERVICES

Any student that feels that he/she is being harassed, discriminated, intimidated or bullied should immediately contact a teacher, site administrator, or the Director of Student Services. In addition, any student who observes any such incident should report the incident to a teacher, site administrator, or the Director of Student Services, whether or not the victim files a complaint. Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to a teacher, site administrator, or the Director of Student Services. The Superintendent or designee may also establish other processes for students to submit anonymous reports of discrimination, or harassment.

Complaints of discrimination, harassment, intimidation, or bullying shall be investigated immediately and resolved in accordance with site-level grievance procedures specified in AR 5145.7.

When a student is reported to be engaging in discrimination or harassment off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance. Law enforcement officials will be notified in accordance with the law.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

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

Discipline

Any student who engages in discrimination or harassment, on 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, which may include suspension or expulsion, in accordance with District Board Policies and Administrative Regulations. Any employee who engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including termination.

BULLYING- HESPERIA UNIFIED SCHOOL DISTRICT – BOARD POLICY 5131.2

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student. This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of the school district.

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

Cyberbullying includes the 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.

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board Policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

Bullying Prevention

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

The District may 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.

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

Based on an assessment of bullying incidents at school, the 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 Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

The 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)

Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. The Superintendent or designee may establish other processes for students to submit anonymous reports of bullying. Informal, unwritten complaints of bullying or harassment raised by parents and/or students at the school site level, shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7.

Written complaints of bullying shall be investigated under the District's uniform complaint procedures.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance. Law enforcement officials will be notified in accordance with the law.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten district property, the investigation shall include, to the extent possible, documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance. When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

Students shall be encouraged to save and print any messages that they feel constitute cyberbullying, whether to themselves or another student, and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Discipline

Any student who engages in bullying 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, which may include suspension or expulsion, in accordance with District Board Policies and Administrative Regulations. Any employee who engages in bullying or retaliation related bullying is subject to discipline, up to and including termination.

“MEGAN’S LAW,” SEX OFFENDER NOTIFICATION – The Department of Justice is required to provide to a local law enforcement agency in each county a CD-ROM or other electronic medium containing information regarding specified registered sex offenders and those local law enforcement agencies, in turn, are required to make the CD-ROM or other electronic medium available for public viewing. Parents and guardians should exercise extreme caution in allowing their children to travel between home and school without adult supervision and should familiarize themselves with individuals in the neighborhood who may pose a threat to school age children. Parents and guardians are also encouraged to utilize the information in the CD-ROM or other electronic medium provided through our **local law enforcement agencies** to protect themselves and their children from registered sex offenders in their neighborhoods. (Assembly Concurrent Resolution No. 72) (Penal Code 290.45, 290.46)

Hesperia Unified School District is committed to working collaboratively with law enforcement officials in the proper identification and notification of sex offenders. The School Police Chief has been designated as the district liaison responsible for working with the San Bernardino County Sheriff's Department and school district officials.

The Board of Trustees recognizes that the San Bernardino County Sheriff's Department is the agency best able to identify and assess the relative danger of any alleged child molester. If you have any concerns about any individual being a child molester, please contact the San Bernardino County Sheriff's Department at (760) 947-1500, the Hesperia Unified School District Police Department at (760) 947-2409, or your child's school.

REPORT OF MISSING CHILDREN – School teachers, administrators, aides, playground workers and bus drivers are required to report missing children to a law enforcement agency in a timely manner. (E.C. 49370)

SCHOOL SAFETY PLAN – Each school shall report on the status of its school safety plan, including a description of its key elements in the annual School Accountability Report Card (SARC). (E.C. 32286(b))

SCHOOL BUS PASSENGER SAFETY – Upon registration, parents or guardians of pupils not previously transported in a school bus, shall receive written information on school bus safety. This applies to pre-kindergarten, transitional kindergarten, kindergarten and grades 1 to 12. (E.C. 39831.5)

PESTICIDE PRODUCTS – School districts shall annually notify staff and parents of all pesticide products expected to be used at the school site during the school year, and to receive notification of individual pesticide applications at the school at least 72 hours before the application. The notice shall identify the active ingredient(s) in each product, the intended date of application and the internet access address on information about pesticides. (E.C. 17612 and 48980.3)

****Important - Please remember to complete and return the “Certification of Receipt of Notification of Parent’s Rights” form. Thank you.**

(Revised 06/17)