

NOTIFICACIÓN A LOS PADRES Y TUTORES 2016-2017

Como requiere la ley, (Código de Educación [EC] 48980 - 48985), por la presente queda informado de lo siguiente:

1. Ausencia: Los estudiantes, con el consentimiento escrito de sus padres o tutores, pueden justificar una ausencia de la escuela por motivos religiosos en un lugar fuera de la propiedad de la escuela, y después de que el estudiante haya asistido a la escuela durante un mínimo de un día. [EC 46014]
2. Exención de la instrucción: Bajo notificación reglamentaria de los padres, las escuelas preparatorias pueden conceder permiso a los estudiantes para salir de los terrenos de la escuela durante el periodo del almuerzo. [Requisitos de notificación establecidos en EC 44808.5] Un estudiante puede negarse a participar en experimentación y disección de animales con una justificación escrita de los padres. [EC 32255.1 y 32255 - 32255.6]
3. Reducción de Calificaciones: Ningún estudiante tendrá reducción de calificación o perderá créditos académicos por cualquier ausencia o ausencias justificadas de acuerdo con el EC 48205 cuando los exámenes y tareas perdidos que puedan ser razonablemente facilitados son completados de manera satisfactoria dentro de un periodo de tiempo razonable. [EC 48980(j)] Texto completo del EC 48205 adjuntado. **(Adjunto-1)**
4. Una discapacidad temporal para los estudiantes puede causar que un estudiante reciba enseñanza individual. [EC 48206.3]
5. Días Escolares Mínimos de Desarrollo del Personal y sin Estudiantes: Se adjunta el calendario de días mínimos y de días de desarrollo del personal sin estudiantes para las escuelas dentro del Distrito/Oficina del Condado. **(Adjunto del Distrito – 2)** Los padres/tutores serán notificados de los días mínimos y de días de desarrollo del personal sin estudiantes no programados todavía en el mes que precede al día mínimo o sin estudiantes programado. [EC 48980(c)]
6. Vacunación Obligatoria: Los distritos escolares no admitirán incondicionalmente a ningún estudiante en una escuela primaria o secundaria, de preescolar, o servicio de guardería y programa de desarrollo del distrito por primera vez, ni después del 1 de julio de 2016, admitirán o avanzarán a ningún estudiante al 7° nivel de grado, a menos que el estudiante haya sido completamente vacunado. El estudiante presentará la documentación de la vacunación completa, de acuerdo con la edad/grado y dosis requerida por el Departamento de Salud Pública de CA y de acuerdo con el Código de Salud y Seguridad Sección 120335. [EC 48980(a), H.&S.C. 120335]
7. La vacuna para una enfermedad contagiosa se permitirá con el consentimiento escrito por un padre para un médico o cirujano licenciado o profesional sanitario cualificado (médico asistente, profesional de la enfermería, enfermera registrada, enfermera vocacional licenciada, o estudiante de enfermería que esté actuando bajo la supervisión de una enfermera registrada, de acuerdo con disposiciones aplicables de la ley) que esté actuando bajo la dirección de un médico y cirujano supervisor, para administrar un agente inmunizante. [EC 49403]
8. La administración de medicación prescrita por un médico y cirujano, o médico asistente para un niño durante el día escolar regular será asistida por la enfermera de la escuela u otro personal escolar designado, si el distrito escolar recibe una declaración detallada por escrito del médico y cirujano, o médico asistente y una solicitud parental por escrito. Los estudiantes pueden llevar y autoadministrarse epinefrina autoinyectable con receta o un medicamento inhalado proporcionado para el asma para el que órdenes escritas del médico y cirujano o médico asistente (incluyendo una declaración de que el estudiante es capaz de autoadministrarse tal medicación), y un consentimiento parental escrito consienten la autoadministración (incluyendo una autorización permitiendo que la enfermera de la escuela u otro personal escolar designado consulte con el profesional de la salud del estudiante sobre la medicación, y liberando al distrito escolar y al personal de la escuela de responsabilidad civil si el estudiante que se autoadministra medicación sufre una reacción adversa como resultado de la medicación autoadministrada). [EC 49423, 49423.1]
9. Medicación Continuada: Se requiere que informe al Distrito/Oficina del Condado de cualquier medicación que se esté tomando, la dosis actual y el nombre del médico supervisor si su hijo/a está en un régimen de medicación continuada para una condición no episódica. [EC 49480]
10. Exámenes Físicos: El Programa de Salud Infantil y Prevención de la Discapacidad obliga que cada niño deberá, dentro de los 90 días siguientes a la entrada en primer grado, proporcionar un certificado documentando que en los 18 meses anteriores el niño ha recibido los exámenes de salud y servicios de evaluación apropiados, a menos que el padre/tutor haya presentado una objeción. Sin embargo, el niño puede ser enviado a casa si, por una buena razón, se cree que tiene una enfermedad infecciosa o contagiosa reconocida, y no se permitirá que vuelva hasta que las autoridades escolares estén satisfechas de que no existe ninguna enfermedad infecciosa o contagiosa. Los exámenes de salud gratuitos están disponibles para niños de bajos ingresos hasta 18 meses antes de la entrada a 1^{er} grado. Se anima a que los padres obtengan exámenes de salud requeridos de manera simultánea con las vacunas requeridas. [H.&S.C. 124085; 124105; EC 49451] Información específica sobre la diabetes tipo 2 está disponible en www.cde.ca.gov/ls/he/hn/type2diabetes.asp. Se recomienda que los estudiantes que posiblemente tengan diabetes tipo 2 o tengan síntomas de advertencia, se examinen. [EC 49452.7]
11. Se proporciona evaluación de la Visión, Audición, Escoliosis y Salud Bucodental de un niño, incluyendo test de agudeza visual y visión de color administrado por la enfermera de la escuela u otro individuo cualificado, durante el año kindergarten o tras la primera matriculación y en grados 2, 5, y 8. Para un estudiante cuya primera matriculación o entrada ocurra en los grados 4 o 7 no se requerirá que sea evaluado en el año inmediatamente siguiente a la primera matriculación o entrada del estudiante. Los exámenes de escoliosis se proporcionarán a las niñas en el grado 7 y a los niños en el grado 8. A 31 de mayo del curso escolar, se requiere que los estudiantes matriculados por primera vez en escuelas públicas proporcionen pruebas de una evaluación de salud bucodental (en los 12 meses anteriores a la matriculación) por un dentista licenciado u otro profesional de salud dental registrado o licenciado. [EC 49452, 49452.5, 49452.8, 49454, 49455]
12. Los servicios médicos y de hospital para estudiantes heridos en la escuela o en eventos patrocinados por la escuela, o mientras son transportados, pueden ser asegurados a expensas del distrito o de los padres. [EC 49472] Las escuelas pueden autorizar a los estudiantes, solo en los grados de 7 a 12, con el propósito de obtener servicios médicos confidenciales sin el consentimiento del padre o tutor del estudiante. [EC 46010.1]
13. Un Programa de Nutrición está disponible para los niños con necesidades. [EC 49500, y siguientes.]
14. Los servicios para el control de huellas dactilares pueden estar disponibles para estudiantes de kindergarten y nuevos estudiantes. [EC 32390, 48980(f)]
15. Expedientes de los Estudiantes: Los padres tienen derecho a acceder a todos los expedientes relativos a sus hijos. El procedimiento utilizado por el Distrito/Oficina del Condado relativo al establecimiento y mantenimiento, transferencia, acceso y modificación de los expedientes de los estudiantes está disponible para los padres bajo solicitud. [EC 49063, 49069, 49070] Cierta información del directorio en relación a los estudiantes también está disponible para individuos que no sean padres. [EC 49073] **(Adjunto del Distrito – 3)**
16. Fotografías del Anuario y de la Clase que se Gradúa: Es una práctica del Distrito proporcionar fotografías del anuario y de la clase que se gradúa a los periódicos y otras publicaciones bajo solicitud. El Distrito considera tal información como una información pública e “información del directorio” en conformidad con la Ley de Derechos Educativos y Privacidad de la Familia, “FERPA”, 20 USC 1232g, y Sección 49073 del Código de Educación. El Distrito supone que, a menos que se notifique otra cosa, puede inferir de la participación de un estudiante en las actividades de fotografía para el anuario y para la clase que se gradúa, que tiene permiso para difundir la fotografía del estudiante.

17. Normas del Distrito/Oficina del Condado: Las normas utilizadas por el Distrito/Oficina del Condado relativas a la disciplina estudiantil están disponibles para todos los padres bajo solicitud. [EC 35291] Las normas pueden requerir que al padre de un estudiante que ha sido suspendido se le pida que asista a una parte del día escolar en el salón de clase del niño. [EC 48900.1]
18. Discriminación: El Distrito/Oficina del Condado no discrimina por discapacidad, género, identidad de género, expresión de género, nacionalidad, raza o etnia, religión, orientación sexual, edad o cualquier otra característica contenida en la definición de crímenes de odio establecida en la Sección 422.55 del Código Penal en ninguna de sus normativas, procedimientos, o prácticas, en cumplimiento con el Título VI de la Ley de Derechos Civiles de 1964, el Título IX de las Enmiendas de Educación de 1972, la Sección 504 del Acta de Rehabilitación de 1973 y la Ley de Discriminación por Edad de 1975 [EC 200]. Esta normativa de no discriminación abarca la admisión y el acceso a, y el trato y contratación en, los programas y actividades del Distrito/Oficina del Condado, incluyendo educación vocacional. Las consultas relativas a las normativas de igualdad de oportunidades, la presentación de quejas, o solicitar una copia, gratuita, de los procedimientos de reclamaciones abarcando las quejas por discriminación, se pueden dirigir al Superintendente del Distrito/Oficina del Condado, según sea apropiado. La falta de habilidades en el idioma inglés no será una barrera para la admisión y participación en los programas del Distrito/Oficina del Condado. [P.L. 92-318]
19. Los servicios a estudiantes sordos, con dificultades de audición, ciegos, visualmente impedidos, o sordos y ciegos son proporcionados por las Escuelas Especiales Estatales. También se ofrecen servicios de evaluación y asistencia técnica. Para más información sobre las Escuelas Especiales Estatales, por favor, visite la Página Web del Departamento de Educación de California en <http://www.cde.ca.gov/sp/ss/> o pida más información a los miembros del equipo del Programa de Educación Individualizado (IEP) de su hijo/a.
20. Educación Obligatoria: Cada persona entre los 6 y los 18 años, no exenta conforme a las disposiciones del Código de Educación, Servicios y Enseñanza, parte 27, Capítulo 2, Ley de Educación Obligatoria (comenzando con la Sección 48200) o Capítulo 3 (comenzando con la Sección 48400), está sujeta a educación obligatoria a tiempo completo y cada persona sujeta a educación obligatoria a tiempo completo, y cada persona sujeta a educación obligatoria de continuación no exenta conforme a las disposiciones del Capítulo 3, asistirá al día escolar a tiempo completo público o escuela de continuación, o clases, y por el tiempo completo designado como la duración del día escolar por la mesa de gobierno del distrito escolar en el cual está localizada la residencia de o los padres o tutores legales, y cada padre, tutor legal, u otra persona que tenga el control o esté a cargo del estudiante enviará al estudiante al día escolar a tiempo completo público o escuela de continuación, o clases, y por el tiempo completo designado como la duración del día escolar por la mesa de gobierno del distrito escolar en el cual está localizada la residencia de o los padres o tutores legales. Salvo disposición en contrario en el EC § 48200, un estudiante no será matriculado por menos del día escolar mínimo establecido por ley.
21. Requisitos de Residencia-Opciones de Asistencia a la Escuela:
- (a) Sin perjuicio del EC § 48200, un estudiante cumple con los requisitos de residencia para la asistencia escolar en un distrito escolar, si cumple con algo de lo siguiente:
- (1) (A) Un estudiante localizado dentro de los límites de ese distrito escolar en una institución de niños con licencia establecida de manera regular, o un hogar de adopción temporal con licencia, o un hogar familiar de acuerdo con un internamiento o emplazamiento bajo el Capítulo 2 (Sección 200) de la Parte 1 de la División 2 del Código de Bienestar e Instituciones.
 - (B) Una agencia que coloque a un estudiante en el hogar o institución proporcionará evidencias a la escuela de que el emplazamiento o internamiento es conforme a la ley.
 - (2) Un estudiante que es un niño en hogar temporal que permanece en su escuela de origen de acuerdo con las subdivisiones (f) y (g) de la Sección 48853.5
 - (3) Un estudiante para cuya asistencia interdistrito haya sido aprobada de acuerdo con el Capítulo 5 (Sección 46600) de la Parte 26.
 - (4) Un estudiante cuya residencia esté localizada dentro de los límites de ese distrito escolar y cuyos padres o tutores legales son exonerados de responsabilidad, control y autoridad mediante la emancipación.
 - (5) Un estudiante que viva en el hogar de un adulto cuidador que esté localizado dentro de los límites de ese distrito escolar. La ejecución de una declaración jurada bajo pena de perjurio de acuerdo con la Parte 1.5 (Sección 6550) de la División 11 del Código de la Familia por el adulto cuidador es base suficiente para la determinación de que el estudiante vive en el hogar del cuidador, a menos que el distrito escolar determine a partir de hechos reales que el estudiante no está viviendo en el hogar del cuidador.
 - (6) Un estudiante que resida en un hospital estatal localizado dentro de los límites de ese distrito escolar.
 - (7) Un estudiante cuyo padre o tutor legal resida fuera de los límites de ese distrito escolar, pero está empleado y vive con el estudiante en el lugar de su empleo dentro de los límites del distrito escolar durante un mínimo de tres días durante la semana escolar.
- (b) Un distrito escolar puede considerar que un estudiante ha cumplido con los requisitos de residencia para la asistencia escolar en el distrito escolar si al menos un padre o el tutor legal del estudiante está físicamente empleado dentro de los límites de ese distrito escolar durante un mínimo de 10 horas durante la semana escolar.
- (1) No se requiere que los distritos escolares admitan estudiantes cuyos padres o tutores estén empleados en el distrito, pero el distrito no puede negarse a admitir a un estudiante en base a, a excepción de lo que se dispone expresamente en esta subdivisión, la raza, etnia, sexo, ingresos parentales, rendimiento académico, o cualquier otra consideración arbitraria.
 - (2) Los distritos escolares en los cuales esté establecida la residencia de o bien los padres o bien los tutores legales del estudiante, o el distrito escolar al cual va a ser transferido el estudiante bajo el EC § 48204(b) pueden prohibir la transferencia del estudiante si la mesa de gobierno del distrito escolar determina que la transferencia impactaría negativamente en el plan de desegregación voluntario u ordenado por el tribunal del distrito escolar.
 - (3) Los distritos escolares a los cuales va a ser transferido el estudiante bajo el EC § 48204(b) pueden prohibir la transferencia del estudiante si el distrito escolar determina que el coste adicional de educación del estudiante excedería la cantidad de ayuda estatal adicional recibida como resultado de la transferencia. [EC § 48204]
22. Opciones de Asistencia Reglamentarias:
- Asistencia Interdistrito
- (a) (1) Las mesas de gobierno de dos o más distritos escolares pueden concertar un acuerdo, por un plazo que no exceda cinco cursos escolares, para la asistencia interdistrito de estudiantes que son residentes de los distritos. El acuerdo puede contemplar la admisión a un distrito diferente del distrito de residencia de un estudiante que solicita un permiso para asistir a un distrito escolar que es una parte del acuerdo y que mantiene escuelas y clases en kindergarten o en cualquiera de los grados de 1 a 12, inclusive, al cual el estudiante solicita admisión. Una vez que un estudiante en kindergarten o en cualquiera de los grados de 1 a 12, inclusive, esté matriculado en una escuela de acuerdo con este capítulo, el estudiante no tendrá que volver

a solicitar una transferencia interdistrito, y la mesa de gobierno del distrito escolar de matriculación permitirá al estudiante que continúe asistiendo a la escuela en la que esté matriculado, exceptuando lo especificado en los párrafos (2) y (4).

(2) El acuerdo estipulará los términos y condiciones bajo los cuales la asistencia interdistrito pueda ser permitida o denegada. El acuerdo puede contener estándares para volver a solicitar convenidos por el distrito de residencia y el distrito de asistencia que difieren de los requisitos estipulados en el párrafo (1). El acuerdo puede estipular términos y condiciones establecidas por el distrito de residencia y el distrito de matriculación bajo los cuales el permiso puede ser revocado.

(3) El supervisor de asistencia del distrito de residencia emitirá un permiso individual verificando la aprobación del distrito, de acuerdo con las normativas de la mesa de gobierno y los términos del acuerdo para la transferencia. Un permiso será válido tras aprobación aceptada por la persona designada de la mesa de gobierno del distrito de asistencia propuesto. La estipulación de los términos y condiciones bajo los cuales el permiso puede ser revocado es responsabilidad del distrito de asistencia.

(4) Sin perjuicio del párrafo (2), un distrito escolar de residencia o un distrito escolar de matriculación no anularán permisos de transferencia existentes para estudiantes que entren en el grado 11 o 12 en el curso escolar subsiguiente.

(b) A un estudiante que haya sido determinado por el personal del distrito de residencia o del distrito de matriculación propuesto de haber sido víctima de actos de acoso, según viene definido en la subdivisión (r) de la Sección 48900, cometido por un estudiante del distrito de residencia deberá, bajo solicitud de la persona que tenga la custodia legal del estudiante, de dársele prioridad para asistencia interdistrito bajo cualquier acuerdo de asistencia interdistrito existente o, en ausencia de un acuerdo, se dará consideración adicional para la creación de un acuerdo de asistencia interdistrito.

(c) Además de los requisitos de la subdivisión (e) de la Sección 48915.1, y sin importar si existe un acuerdo o se emite un permiso de acuerdo con esta sección, cualquier distrito puede admitir a un estudiante expulsado de otro distrito en el cual el estudiante sigue residiendo. [EC 46600 – 46607]

❖ El procedimiento para solicitar áreas o programas de asistencia alternativos, si los hubiera; variará según el distrito.

❖ Un formulario de solicitud para solicitar un cambio de asistencia puede obtenerse en la oficina del Distrito.

❖ Si el distrito deniega una solicitud de transferencia, un padre/tutor puede apelar esa decisión a la mesa de educación del condado. Hay plazos específicos en la ley para presentar una apelación, y para que la mesa de educación del condado tome una decisión.

● **Asistencia Intradistrito**

Cada distrito escolar, adoptará normas y reglas estableciendo una normativa de matriculación abierta dentro del distrito para residentes del distrito. Este requisito no se aplica a distritos escolares que solo tienen una escuela o distritos escolares con escuelas que no atienden a iguales niveles de grado.

La normativa incluirá todos los elementos siguientes:

(a) Los padres o tutores de cada niño en edad escolar que es residente en el distrito pueden seleccionar las escuelas a las que asistirá el niño, independientemente del lugar particular de su residencia dentro del distrito, exceptuando que los distritos escolares conservarán la autoridad de mantener equilibrios raciales y étnicos apropiados entre sus respectivas escuelas a discreción de los distritos escolares, o según lo especificado en los planes de desegregación voluntarios u ordenados por el tribunal aplicables.

(b) Incluirá una normativa de selección para una escuela que reciba solicitudes para admisión que excedan la capacidad de la escuela que asegure que esa selección de estudiantes para matricularse en la escuela se hace a través de un proceso aleatorio y neutral que prohíba una evaluación de si un estudiante debería de ser matriculado en base a su rendimiento académico o deportivo. La capacidad de las escuelas del distrito se calculará de una manera no arbitraria utilizando la matriculación estudiantil y el espacio disponible. Sin embargo, los distritos escolares pueden emplear criterios de entrada existentes para escuelas o programas especializados si los criterios son aplicados de manera uniforme a todos los solicitantes. Esta subdivisión no debe interpretarse para prohibir a los distritos escolares el uso del rendimiento académico para determinar la elegibilidad para, o emplazamiento en, programas para estudiantes dotados y con talento establecidos de acuerdo con el antiguo Capítulo 8 (empezando con la Sección 52200) de la Parte 28 de la División 4, como el capítulo queda redactado el 1 de enero de 2014.

(c) Estipulará que ningún estudiante que actualmente resida en el área de asistencia de una escuela será desplazado por estudiantes que se transfieran de fuera del área de asistencia.

(d) En la medida en que sea requerido y financiado por la ley federal, y bajo la solicitud de los padres o tutores del estudiante, cada distrito escolar proporcionará ayuda de transporte al estudiante. [EC 35160.5 (b) (4)]

● Los distritos pueden proporcionar apoyos y elección de escuela pública alternativos. [Acta de Todo Estudiante Tiene Éxito] **(Adjunto del Distrito – 4)**

Los padres/tutores que estén interesados en saber más sobre opciones de asistencia deberían de contactar con el Distrito Escolar para más información sobre las normativas del Distrito, procedimientos, y plazos para solicitar transferencias. [EC 48980(h) 48204(a) (2), 48660]

23. Opciones Programáticas/Opciones Programáticas Especiales: Las opciones programáticas ofrecidas dentro de las áreas de asistencia del distrito, si hubieran; variarán según el distrito. Opciones programáticas especiales disponibles tanto en el marco interdistrito como intradistrito, si hubieran; variarán según el distrito. [EC 48980(h)] **(Adjunto del Distrito - 5)**

24. Notificación de Escuelas Alternativas: La ley estatal de California autoriza a todos los distritos escolares a proporcionar escuelas alternativas. [EC 58501] **(Adjunto - 6)**

25. Exención de la Educación de Salud Sexual, Educación VIH y Evaluaciones Relacionadas: Los padres o tutores de un estudiante tienen el derecho de excusar a su hijo/a de todo o parte de la educación integral sobre salud sexual, educación sobre la prevención del VIH, y evaluaciones relacionadas con esa educación a través de un proceso de consentimiento pasivo de (“no participar”). Para excusar a su hijo/a, la solicitud debe de ser hecha por escrito al distrito escolar. [EC 51938]

Por la presente queda informado de:

(1) Los materiales educativos utilizados en la educación integral sobre salud sexual y en la educación sobre la prevención del VIH están disponibles para inspección.

(2) La educación integral sobre salud sexual y la educación sobre la prevención del VIH serán enseñadas por personal del distrito escolar y/o por consultores externos.

(3) Tiene el derecho a solicitar una copia del EC Parte 28, Capítulo 5.6 – Acta de Juventud Saludable de California.

26. Procedimientos Uniformes de Reclamación “UCP”: Infracciones alegadas, por la escuela o distrito escolar, de la ley federal o estatal serán gestionadas mediante procedimientos uniformes de reclamación establecidos por el Distrito y por la Oficina de Educación del Condado. Los remedios civiles incluyen,

pero no están limitados a, mandatos judiciales, órdenes de restricción, u otros remedios u órdenes que puedan estar disponibles. El Distrito/Oficina del Condado es el principal responsable del cumplimiento de las leyes y reglamentaciones federales y estatales. Los procedimientos de apelación y revisión pueden ser llevados a cabo mediante agencias locales, estatales (Departamento de Educación de California) o federales, oficinas y/o también tribunales. Las reclamaciones se deben de hacer por escrito al Superintendente del Distrito/Oficina del Condado. El Distrito/Oficina del Condado será responsable de proporcionar procedimientos escritos relativos al proceso bajo solicitud. [5 CCR 4610, 4622] Se adjunta una descripción del procedimiento de reclamación del Distrito y del proceso de apelación. **(Adjunto del Distrito – 7)** Por favor, observe en particular que el proceso estipula que:

- 1) la revisión de la reclamación deberá completarse en un plazo de sesenta días naturales a partir de la fecha de recepción de la reclamación, a menos que el demandante acepte por escrito extender el plazo;
 - 2) reclamaciones por discriminación ilegal serán presentadas en un plazo inferior a seis meses desde la fecha en que haya ocurrido la alegación de discriminación, o seis meses a partir de la fecha cuando el demandante obtuvo conocimiento por primera vez de los hechos de la discriminación alegada;
 - 3) una reclamación relativa a tasas estudiantiles inadmisibles puede ser presentada al director o persona designada de la escuela bajo los UCP;
 - 4) una reclamación sobre que un distrito escolar, superintendente de escuelas del condado, o escuela autónoma no ha cumplido con los requisitos del plan de responsabilidad y control local (LCAP) puede ser presentada bajo los UCP;
 - 5) una reclamación alegando discriminación contra estudiantes transexuales y de no conformidad con el género puede ser presentada al director o persona designada de la escuela bajo los UCP;
 - 6) una reclamación de no cumplimiento con los requisitos relativos a adaptaciones para estudiantes lactantes, derechos educativos de jóvenes en hogar temporal y estudiantes sin hogar, asignación de estudiantes a cursos sin contenido educativo durante más de una semana por semestre o a cursos que hayan completado previamente, y minutos de enseñanza de educación física en escuelas primarias.
 - 7) el demandante tiene el derecho de apelar la Decisión del Distrito/Condado al Departamento de Educación del Estado de CA presentando una apelación por escrito en un plazo de 15 días tras recibir la Decisión del Distrito/Condado; y
 - 8) la apelación al Departamento de Educación del Estado de CA debe de incluir una copia de la reclamación presentada a nivel local y una copia de la Decisión del Distrito/Condado.
27. **Normativa Contra el Acoso Sexual:** El acoso sexual estudiantil alegado infringiendo la normativa del Distrito/Oficina del Condado o la ley federal o estatal será gestionado de acuerdo con las normativas adjuntas y procedimientos establecidos por el Superintendente de la Oficina de Escuelas del Distrito/Condado. El Distrito/Oficina del Condado será responsable de proporcionar procedimientos escritos relativos al proceso. [EC 48980(g), 212.5, 231.5] **(Adjunto del Distrito - 8)**
28. **Tarjeta de Informe de Responsabilidad Escolar:** En o antes del 1 de febrero de cada año, los padres tienen derecho a una copia física actualizada de la Tarjeta de Informe de Responsabilidad Escolar bajo solicitud. [EC 35256]
29. **Currículo:** El currículo, incluyendo títulos, descripciones y objetivos de enseñanza de cada curso ofrecido por una escuela pública, será recopilado al menos una vez al año en un folleto. El folleto está disponible para revisión bajo solicitud y para copia a un coste razonable. [EC 49091.14; 49063(k)]
30. **Subvenciones para Evaluaciones de Emplazamiento Avanzado:** Estudiantes con necesidades pueden ser elegibles para subvenciones estatales para cubrir los costes de exámenes de emplazamiento avanzado. Contacte con la escuela para información sobre la elegibilidad. [EC 48980(k)]
31. Información relativa a las opciones educativas para jóvenes sin hogar y en hogar temporal está disponible contactando con la Oficina del Condado o la oficina del distrito escolar. [EC 48850 y siguientes]
32. **Pesticidas:** Los nombres de todos los productos pesticidas que se espera que sean aplicados en la escuela durante el año próximo, están expuestos en la lista adjunta. Información sobre pesticidas y reducción del uso de pesticidas desarrollado por el Departamento de Regulación de Pesticidas de CA está disponible en <http://www.cdpr.ca.gov/schoolipm>. Tiene derecho a ver una copia del IPM de la escuela en la oficina escolar. [EC 17612, 48980.3] **(Adjunto del Distrito - 9)**
33. **Asbestos:** Tiene el derecho a obtener un Plan de Gestión actualizado para materiales que contienen asbestos en la escuela. [40 CFR 763.93 (g) (4), EC 49410]
34. **Campus Libre de Tabaco:** Contacte con la escuela para información sobre la normativa del Distrito/Oficina del Condado sobre el campus libre de tabaco, si hubiera, y procedimientos de aplicación. [H.&S. 104420]
35. **La Preparación en Caso de Emergencia** incluyendo planes y procedimientos en caso de desastres, rutinas, medidas de respuesta de emergencia, programas de entrenamiento para el personal, procedimientos para el uso de edificios públicos y procedimientos de notificación, se aborda en el plan integral de seguridad escolar del Distrito/Oficina del Condado. Una copia del plan está disponible en las oficinas administrativas del distrito/oficina del condado. [EC 32282]
36. **Requisitos de Admisión para la Universidad e Información sobre Educación Superior:** (Grados ofertados por los distritos 9-12) [EC 48980(l), 51229] **(Adjunto del Distrito - 10)**
37. Los estudiantes matriculados en el grado 12 pueden considerarse como solicitantes para la Cal Grant, y la calificación media del estudiante será remitida a la Comisión de Ayuda Estudiantil, a menos que el estudiante decida no participar en un plazo de 30 días tras la notificación de que la escuela enviará por primera vez las calificaciones medias a la comisión. (Grados ofertados por los distritos 9-12) [EC 69432.9]
38. **Notificación Electrónica:** Esta notificación puede ser proporcionada exclusivamente de manera electrónica si un padre o tutor legal así lo ha solicitado. [EC 48981]

Notificación del Modelo PPRA v Consentimiento/No participación en Actividades Específicas

La Enmienda de la Protección de los Derechos Estudiantiles (PPRA), 20 U.S.C. § 1232h, requiere que los distritos escolares le notifiquen y obtengan su consentimiento o le permitan que su hijo/a no participe en ciertas actividades escolares. Estas actividades incluyen evaluaciones, análisis o entrevistas estudiantiles que se refieran a una o más de las ocho áreas siguientes (“encuestas con información protegida”):

1. Afiliaciones normativas o creencias del estudiante o de los padres del estudiante;
2. Problemas psicológicos o mentales del estudiante o de la familia del estudiante;
3. Comportamiento sexual o actitudes;
4. Comportamiento ilegal, antisocial, autoincriminatorio, o degradante;
5. Evaluaciones críticas hacia otros con los cuales los encuestados tienen relaciones familiares cercanas;
6. Relaciones privilegiadas reconocidas legalmente, tales como con abogados, doctores o ministros;
7. Prácticas religiosas, afiliaciones o creencias del estudiante o de los padres del estudiante; o
8. Ingresos, otros que los requeridos por ley para determinar elegibilidad en programa.

Este requisito también se aplica a la recopilación, divulgación o uso de la información del estudiante para objetivos de márketing (“encuestas de márketing”), y ciertos exámenes físicos y chequeos. Las normativas relativas a estos derechos se pueden obtener del distrito escolar.

Los padres que crean que sus derechos han sido infringidos bajo esta sección pueden presentar una reclamación a la Family Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-5901.

Notificación de Derechos bajo la FERPA para Escuelas Primarias y Secundarias

La Ley de Derechos Educativos y Privacidad de la Familia (FERPA) proporciona a los padres y estudiantes de más de 18 años (“estudiantes elegibles”) ciertos derechos con respecto a los registros educativos del estudiante. Estos derechos son:

(1) El derecho a inspeccionar y revisar los registros educativos del estudiante en un plazo de 45 días (en un plazo de 5 días bajo el E.C. 49069) después del día en el que la Escuela reciba una solicitud de acceso.

Los padres o estudiantes elegibles deberán de presentar al director de la Escuela [u oficial escolar apropiado] una solicitud por escrito que identifique el registro(s) que desean inspeccionar. El oficial Escolar hará los preparativos necesarios para el acceso y notificará a los padres o estudiantes elegibles del momento y lugar donde se pueden inspeccionar los registros.

(2) El derecho a solicitar la corrección de los registros educativos del estudiante que el padre o el estudiante elegible crea que son erróneos.

Los padres o estudiantes elegibles pueden pedir a la Escuela que corrija un registro que crean que es erróneo. Deben de escribir al director de la Escuela [u oficial escolar apropiado], de manera clara, e identificar la parte del registro que quieren que se cambie, y especificar por qué es errónea. Si la Escuela decide no corregir el registro según es solicitado por el padre o estudiante elegible, la Escuela notificará al padre o al estudiante elegible de la decisión y les avisará de su derecho a una audiencia relativa a la solicitud de corrección. Información adicional relativa a los procedimientos para la audición será proporcionada al padre o estudiante elegible cuando sea notificado del derecho a una audición.

(3) El derecho a consentir divulgaciones de información personal de identificación contenida en los registros educativos del estudiante, salvo en la medida en que la FERPA autorice la divulgación sin consentimiento.

Una excepción, que permite la divulgación sin consentimiento, es la divulgación a oficiales escolares con intereses educativos legítimos. Un oficial escolar es una persona empleada por la Escuela como administrador, supervisor, maestro, o miembro del personal de apoyo (incluyendo personal médico o de la salud y personal de la unidad de cumplimiento de la ley); una persona que sirva en la Mesa Escolar; una persona o compañía a la cual la Escuela ha contratado para llevar a cabo una tarea especial (tal como un abogado, auditor, consultor médico, o terapeuta); o un padre o estudiante que sirva en un comité oficial, tal como un comité disciplinario o de reclamaciones, o que ayude a otro oficial escolar a llevar a cabo sus tareas.

Un oficial escolar tiene un interés educativo legítimo si el oficial necesita revisar un registro educativo para dar cumplimiento con su responsabilidad profesional.

Bajo solicitud, la Escuela divulga registros educativos sin consentimiento a oficiales de otro distrito escolar en el cual un estudiante busca o intenta matricularse.

Otra excepción permite la divulgación de la designada apropiadamente “información del directorio” sin consentimiento escrito, a menos que los padres hayan avisado a la Escuela de lo contrario de acuerdo con los procedimientos del distrito escolar. El objetivo principal de la información del directorio es permitir a la Escuela incluir este tipo de información de los registros educativos de un estudiante en ciertas publicaciones escolares (p.e., anuarios, listas de honor, hojas de actividades deportivas). La información del directorio, que es información que generalmente no está considerada como perjudicial o una invasión de privacidad si se publica, también puede ser divulgada a organizaciones externas sin el consentimiento por escrito previo de un padre. Además, se requiere que las escuelas proporcionen a los reclutadores militares, bajo solicitud, nombres de estudiantes de secundaria, listados de direcciones y de números de teléfono a menos que los padres hayan avisado a la escuela de que no quieren que la información de su estudiante se divulgue sin su consentimiento previo.

La Escuela ha designado la siguiente información como información del directorio: nombre del estudiante, participación en deportes y actividades reconocidas oficialmente, dirección, listado telefónico, peso y altura de los miembros de equipos deportivos, dirección de correo electrónico, fotografía, calificaciones, honores y premios recibidos, fecha y lugar de nacimiento, campo principal de estudio, fechas de asistencia, nivel de grado, y la agencia educativa o institución a la que haya asistido más recientemente. Si los padres no quieren que la Escuela divulgue información del directorio de los registros educativos de su hijo/a sin consentimiento escrito previo, deben notificar a la Escuela por escrito. [10 U.S.C. § 503, 20 U.S.C. § 7908, 34 C.F.R. § 99.37]

(4) El derecho a presentar una reclamación al Departamento de Educación de los EE.UU. relativa a supuestos fallos del Distrito Escolar al cumplir con los requisitos de la FERPA. El nombre y dirección de la Oficina que administra la FERPA son: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

ADJUNTO 1

TEXTO COMPLETO DE LA SECCIÓN 48205 DEL CÓDIGO DE EDUCACIÓN

(Modificado por el Capítulo 610, A.B. 387 § 1, 2011)

- (a) Sin perjuicio de la Sección 48200, un estudiante será excusado de la escuela cuando la ausencia es:
- (1) Debida a enfermedad.
 - (2) Debida a cuarentena bajo la dirección de un oficial sanitario del condado o de la ciudad.
 - (3) Con el objetivo de tener un servicio médico, dental, de optometría o quiropráctico prestado.
 - (4) Con el objetivo de asistir a los servicios funerales de un miembro de su familia inmediata, en la medida en que la ausencia no sea más de un día si el servicio se realiza en California y no más de tres días si el servicio se realiza fuera de California.
 - (5) Con el objetivo de servicio de jurado en la manera estipulada por ley.
 - (6) Debido a la enfermedad o cita con el médico en horas de escuela de un niño de quien el estudiante es el padre con custodia.
 - (7) Por razones personales justificables, incluyendo, pero no estando limitado a, asistencia a un tribunal, asistencia a un servicio de funeral, celebración de un festivo o ceremonia de su religión, asistencia a retiros religiosos, asistencia a una conferencia de empleo, o asistencia a una conferencia educativa sobre el proceso legislativo o judicial ofrecido por una organización sin ánimo de lucro, cuando la ausencia del estudiante sea solicitada por escrito por el padre o tutor y aprobada por el director o por un representante designado de acuerdo con los estándares uniformes establecidos por la mesa de gobierno.
 - (8) Con el objetivo de servir como miembro de la mesa de un distrito para una elección de acuerdo con la Sección 12302 del Código de Elecciones.
 - (9) Con el objetivo de pasar tiempo con un miembro de la familia inmediata del estudiante, que es un miembro del servicio activo de los servicios uniformados, según viene definido en la Sección 49701, y ha sido llamado al servicio activo para, está de permiso de, o ha regresado inmediatamente de, la movilización a una zona de combate o a una posición de apoyo al combate. Las ausencias concedidas de acuerdo a este párrafo serán concedidas por un periodo de tiempo a ser determinado a discreción del superintendente del distrito escolar.
- (b) A un estudiante ausente de la escuela bajo esta sección se le permitirá completar todas las tareas y exámenes perdidos durante la ausencia que puedan ser proporcionados razonablemente y, tras finalización satisfactoria dentro de un periodo razonable de tiempo, se le dará entonces los créditos completos. El maestro de la clase de la cual se ausenta un estudiante determinará qué exámenes y tareas serán razonablemente equivalentes, pero no necesariamente idénticos a, los exámenes y tareas que el estudiante se perdió durante la ausencia.
- (c) Para propósitos de esta sección, la asistencia a retiros religiosos no excederán cuatro horas por semestre.
- (d) Las ausencias de acuerdo con esta sección se consideran ausencias al calcular la asistencia diaria media, y no generarán pagos proporcionales estatales.
- (e) "Familia inmediata," según se usa en esta sección, tiene el mismo significado que el establecido en la Sección 45194, exceptuando que las referencias de allí a "empleado" se considerarán ser referencias a "estudiante."

ADJUNTO 2

CALENDARIO DEL DÍA MÍNIMO Y DEL DÍA DE DESARROLLO
DEL PERSONAL



RESCUE UNION SCHOOL DISTRICT

2016-2017 School Calendar

Board Approved 5/10/16

"Educating for the Future, Together"



First Day /Last Day of Classes
 Holiday
 Minimum Day
 Early Release Staff Dev / Collaboration
 Staff Development (students do not attend)

| AUG '16 | | | | |
|---------|-----|----|----|----|
| M | T | W | T | F |
| 1 | 2 | 3 | 4 | 5 |
| 8 | 9-W | 10 | 11 | 12 |
| 15 | 16 | 17 | 18 | 19 |
| 22 | 23 | 24 | 25 | 26 |
| 29 | 30 | 31 | | |

| SEP | | | | |
|-----|----|----|----|----|
| M | T | W | T | F |
| | | | 1 | 2 |
| 5 | 6 | 7 | 8 | 9 |
| 12 | 13 | 14 | 15 | 16 |
| 19 | 20 | 21 | 22 | 23 |
| 26 | 27 | 28 | 29 | 30 |

| OCT | | | | |
|-----|----|----|----|----|
| M | T | W | T | F |
| 3 | 4 | 5 | 6 | 7 |
| 10 | 11 | 12 | 13 | 14 |
| 17 | 18 | 19 | 20 | 21 |
| 24 | 25 | 26 | 27 | 28 |
| 31 | | | | |

| NOV | | | | |
|-----|----|----|----|----|
| M | T | W | T | F |
| | 1 | 2 | 3 | 4 |
| 7 | 8 | 9 | 10 | 11 |
| 14 | 15 | 16 | 17 | 18 |
| 21 | 22 | 23 | 24 | 25 |
| 28 | 29 | 30 | | |

| DEC | | | | |
|-----|----|----|----|----|
| M | T | W | T | F |
| | | | 1 | 2 |
| 5 | 6 | 7 | 8 | 9 |
| 12 | 13 | 14 | 15 | 16 |
| 19 | 20 | 21 | 22 | 23 |
| 26 | 27 | 28 | 29 | 30 |

8 **Staff Development Day**
 (Students do not attend)
 9 **Teacher Work Day**
 (Students do not attend)
 10 **FIRST DAY OF CLASSES**
 22 **Early Release-All Schools**

5 **Labor Day**
 6 **Staff Development Day**
 (Students do not attend)
 12 **Early Release-All Schools**
 22-23 **Parent Teacher Conference**
 (Minimum Day-Middle Schools)
 26 **Early Release-All Schools**

10 **Early Release-All Schools**
 31 **Minimum Day-All Schools**

4 **Teacher Prep. Report Cards**
 (Minimum Day- All Schools)
 4 **END FIRST TRIMESTER**
 7 **Early Release-All Schools**
 11 **Veteran's Day**
 14-18 **Parent Teacher Conference**
 (Minimum Day - Elem. Schools)
 21-25 **Thanksgiving Break**

5 **Early Release-All Schools**
 16 **Minimum Day-All Schools**
 19 **Winter Break Begins**

| JAN '17 | | | | |
|---------|----|----|----|----|
| M | T | W | T | F |
| 2 | 3 | 4 | 5 | 6 |
| 9 | 10 | 11 | 12 | 13 |
| 16 | 17 | 18 | 19 | 20 |
| 23 | 24 | 25 | 26 | 27 |
| 30 | 31 | | | |

| FEB | | | | |
|-----|----|----|----|----|
| M | T | W | T | F |
| | | 1 | 2 | 3 |
| 6 | 7 | 8 | 9 | 10 |
| 13 | 14 | 15 | 16 | 17 |
| 20 | 21 | 22 | 23 | 24 |
| 27 | 28 | | | |

| MAR | | | | |
|-----|----|----|----|----|
| M | T | W | T | F |
| | | 1 | 2 | 3 |
| 6 | 7 | 8 | 9 | 10 |
| 13 | 14 | 15 | 16 | 17 |
| 20 | 21 | 22 | 23 | 24 |
| 27 | 28 | 29 | 30 | 31 |

| APR | | | | |
|-----|----|----|----|----|
| M | T | W | T | F |
| 3 | 4 | 5 | 6 | 7 |
| 10 | 11 | 12 | 13 | 14 |
| 17 | 18 | 19 | 20 | 21 |
| 24 | 25 | 26 | 27 | 28 |
| | | | | |

| MAY | | | | |
|-----|----|----|----|----|
| M | T | W | T | F |
| 1 | 2 | 3 | 4 | 5 |
| 8 | 9 | 10 | 11 | 12 |
| 15 | 16 | 17 | 18 | 19 |
| 22 | 23 | 24 | 25 | 26 |
| 29 | 30 | 31 | | |

1 **New Year's Day**
 2 **Winter Break Ends**
 9 **Early Release-All Schools**
 16 **Martin Luther King Jr. Day**
 23 **Early Release-All Schools**

6 **Early Release-All Schools**
 17 **Lincoln's Day (observed)**
 20 **Presidents' Day**
 (Washington's Day observed)
 24 **Teacher Prep. Report Cards**
 (Minimum Day-All Schools)
 24 **END SECOND TRIMESTER**

6, 20 **Early Release-All Schools**

3 **Early Release-All Schools**
 10-17 **Spring Break**

1, 15 **Early Release-All Schools**
 19 **Teacher Prep. Report Cards**
 (Minimum Day-All Schools)
 26 **LAST DAY OF CLASSES**
 (Minimum Day-All Schools)
 26 **END THIRD TRIMESTER**
 29 **Memorial Day**

| Elementary Minimum Days (11) | |
|---------------------------------------|------------|
| OCT 31 | FEB 24 |
| NOV 4, 14-18 | MAY 19, 26 |
| DEC 16 | |
| Early Release / Minimum Day Dismissal | |
| GRADES 1-5 --- 12:45 | |

| Early Release Days | |
|--------------------|-----------|
| AUG 22 | JAN 9, 23 |
| SEPT 12, 26 | FEB 6 |
| OCT 10 | MAR 6, 20 |
| NOV 7 | APR 3 |
| DEC 5 | MAY 1, 15 |

| Middle School Minimum Days (8) | |
|--------------------------------------|------------|
| SEP 22,23 | DEC 16 |
| OCT 31 | FEB 24 |
| NOV 4 | MAY 19, 26 |
| Early Release /Minimum Day Dismissal | |
| GRADES 6-8 --- 11:40 a.m. | |

ADJUNTO 3

INFORMACIÓN DEL REGISTRO ESTUDIANTIL

[Proporcionar la siguiente información específica:

- (a) Los tipos de registros estudiantiles e información que esté directamente relacionada con los estudiantes y mantenidos por la institución.
- (b) La posición del responsable oficial del mantenimiento de cada tipo de registro.
- (c) La localización del registro requerido.
- (d) El criterio a utilizar por el distrito para definir “oficiales y empleados escolares” y para determinar “interés educativo legítimo” según se usa en la Sección 49064 y párrafo (1) de la subdivisión (a) de la Sección 49076.
- (e) Las normativas de la institución para revisar y eliminar esos registros.
- (f) El derecho de los padres de acceder a los registros estudiantiles.
- (g) Los procedimientos para discutir el contenido de los registros estudiantiles.
- (h) El coste, si lo hubiera, que será cargado a los padres por reproducir copias de los registros.
- (i) Las categorías de información que la institución ha designado como información del directorio.
- (j) El derecho de los padres a presentar una reclamación al Departamento de Salud, Educación y Bienestar de los Estados Unidos relativa a un supuesto fallo del distrito al cumplir con las disposiciones de la Sección 438 de la Ley de Disposiciones de la Educación General (20 U.S.C.A. Sec. 1232g).
- (k) La disponibilidad del folleto del currículo escolar del Distrito.]

[E.C. 49063]

Rescue Union ESD

Administrative Regulation

Student Records

AR 5125
Students

Definitions

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

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

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

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

1. Directory information

(cf. 5125.1 - Release of Directory Information)

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

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

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

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

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

Mandatory permanent student records are those records which are maintained in perpetuity and

which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

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

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

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

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

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

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

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

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

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require him/her to have access to student records.

School officials and employees are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced to him/her by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

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

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

Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)
2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records (34 CFR 99.3, 99.5)
3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

(cf. 6159 - Individualized Education Program)

Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

1. Parents/guardians of a student age 18 or older who is a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076; 34 CFR 99.31)
3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)
4. Members of a school attendance review board (SARB) who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

(cf. 5113.1 - Chronic Absence and Truancy)

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

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

6. The Student Aid Commission, for the purpose of providing the grade point average (GPA) of all district students in grade 12 to the Cal Grant postsecondary financial aid program, except when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA (Education Code 69432.9)

No later than October 15 each year, the Superintendent or designee shall notify each student in grade 12, and his/her parents/guardians if the student is under age 18 years, that the student's GPA will be forwarded to the Student Aid Commission unless he/she opts out within a period of time specified in the notice, which shall not be less than 30 days. (Education Code 69432.9)

Students' social security numbers shall not be included in the submitted information unless the Student Aid Commission deems it necessary to complete the financial aid application and the Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number. (Education Code 69432.9)

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

8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)

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

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

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

11. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

12. Any probation officer, district attorney, or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor student a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

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

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

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

(cf. 6173.1 - Education for Foster Youth)

15. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

(cf. 6173 - Education for Homeless Children)

16. An individual who completes items 1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility for the care and protection of a student, provided that the information is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))

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

(Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above. (Education Code 49076)

19. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5; 34 CFR 99.1-99.67)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

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

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49075)

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

(cf. 5021 - Noncustodial Parents)

Discretionary Access

At his/her discretion, the Superintendent or designee may release information from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations (Education Code 49076; 34 CFR 99.31)
3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)
 - a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.
 - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
 - c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)
5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)
6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by the district, excluding volunteers or other parties (Education Code 49076)

(cf. 3600 - Consultants)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

De-identification of Records

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information.

Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 34 CFR 99.31)

Process for Providing Access to Records

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

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

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

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

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

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

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

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

Access Log

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

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

The log may include record of access by: (Education Code 49064)

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials and employees who have a legitimate educational interest

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

Duplication of Student Records

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

(cf. 3260 - Fees and Charges)

Changes to Student Records

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

(cf. 5125.3 - Challenging Student Records)

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

A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

(cf. 5145.3 - Nondiscrimination/Harassment)

Retention and Destruction of Student Records

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

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

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

(cf. 5111 - Admission)

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

(cf. 5111.1 - District Residency)

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

5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given

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

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

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

1. Expulsion orders and the causes therefor

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

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

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

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

(cf. 5141.32 - Health Screening for School Entry)

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

(cf. 6159 - Individualized Education Program)

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

5. Language training records

(cf. 6174 - Education for English Language Learners)

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

7. Parental restrictions/stipulations regarding access to directory information

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

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

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

(cf. 6162.51 - State Academic Achievement Tests)

(cf. 6162.52 - High School Exit Examination)

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

(cf. 6158 - Independent Study)

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

1. Objective counselor and/or teacher ratings

2. Standardized test results older than three years

3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns

5. All disciplinary notices

6. Supplementary attendance records

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

Transfer of Student Records

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

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

(cf. 4158/4258/4358 - Employee Security)
(cf. 5119 - Students Expelled From Other Districts)

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

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

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

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

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

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

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the

Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices to that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063, 48985; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

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

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

(cf. 5020 - Parent Rights and Responsibilities)

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

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

Student Records from Social Media

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety
2. Provide a student with access to any information that the district obtained from his/her social media activity and an opportunity to correct or delete such information
3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first
4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or his/her parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980.
5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:
 - a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or his/her parent/guardian
 - b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first

(11/11 11/12) 12/14

Regulation RESCUE UNION SCHOOL DISTRICT

approved: September 2004 Rescue, California

revised: January 2009

revised: February 26, 2013

revised: June 23, 2015

Rescue Union ESD

Administrative Regulation

Release Of Directory Information

AR 5125.1

Students

Definition

Directory information means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (Education Code 49061; 20 USC 1232g; 34 CFR 99.3)

1. Name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Major field of study
7. Participation record in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

Directory information does not include a student's social security number or student identification number. However, directory information may include a student identification number, user identification, or other personal identifier used by the student for purposes of accessing or communicating in electronic systems provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user. (34 CFR 99.3)

Notification to Parents/Guardians

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the district plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the district designate any or all types of information as directory information and the period of time within which a parent/guardian must notify the district in writing that he/she does not want a certain category of information designated as directory information. (Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37)

(cf. 5125 - Student Records)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (20 USC 7908)

Parent/Guardian Consent

Directory information shall not be released regarding any student whose parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g, 7908)

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

(cf. 9011 - Disclosure of Confidential/Privileged Information)

For a former student, the district shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance at the district, unless the opt-out request has been rescinded. (34 CFR 99.37)

(7/05 3/09) 11/11

Regulation RESCUE UNION SCHOOL DISTRICT
approved: September 2004 Rescue, California
revised: January 2009
revised: June 23, 2015

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APOYOS ALTERNATIVOS
Y
ELECCIÓN DE ESCUELA PÚBLICA



RESCUE UNION SCHOOL DISTRICT

"Educating for the Future Together"

2390 Bass Lake Road • Rescue, CA 95672

(530) 677-4461 • FAX (530) 677-0719

www.rescueusd.org

Parental Notification Letter Regarding Alternative Supports and Public School Choice for the 2016–17 School Year

July 2016

Dear Parents/Guardians of Students in the Rescue Union School District:

This letter is to inform you that your child may be eligible to receive alternative supports and/or Public School Choice (Choice) during the 2016–17 school year.

Background

President Barack Obama signed into law the Every Student Succeeds Act (ESSA) on December 10, 2015. ESSA replaces the previous Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind (NCLB) Act of 2001.

Under the ESSA, California is required to implement the same interventions in the 2016–17 school year for schools that were previously identified for program improvement (PI) in the 2015–16 school year; with the exception of the provision of Supplemental Educational Services (SES) and Choice.

Transition Plan for the 2016–17 School Year

As allowed by the ESSA, California is developing a new accountability system for the 2017–18 school year. The 2016–17 school year is considered a “transition” year, designed to effect an orderly transition to the new law and accountability system. California has developed a transition plan that describes various alternative supports and services that are to be provided to eligible students.

Alternative Supports

During the 2016–17 school year, under the ESSA, California has elected to eliminate the requirement for LEAs to provide SES. Instead, LEAs with schools identified for PI Year 2 and beyond will be required to provide eligible students with alternative supports. Alternative supports are supplemental activities designed to increase the academic achievement of students.

Socioeconomically disadvantaged students attending a Title I school that is in PI Year 2 and beyond are eligible to receive alternative supports for the 2016–17 school year.

Supplemental supports for PI Schools, Rescue and Green Valley are detailed in Goal 4 of our Local Control and Accountability Plan which can be accessed at www.rescueusd.org.

Please note that if there are insufficient funds to serve all eligible students, priority will be given to the lowest-achieving, previously identified PI school(s) or the lowest-achieving student(s) attending a previously-identified PI school.

Choice

Under the new law, California has also elected to allow LEAs to determine whether or not to offer Choice to new students. Choice allows students attending a PI school the option to transfer to another public school, including a public charter school, that is within the LEA and that was not identified for PI.

Under the ESSA, Rescue Union School District has elected not to provide Choice to new students for the 2016–17 school year.

David Swart, Superintendent

Board of Trustees

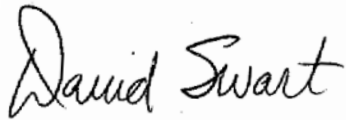
Nancy Brownell • Ellen Driscoll • Suzanna George • Serena Posner • Kim White

(Please Note: If your child participated in Choice during the 2015–16 school year; he/she is permitted to remain in that school until they complete the highest grade in that school.)

Contact Information

If you are interested in learning more about the alternative supports and/or Choice options offered for your child, please contact Dave Scroggins, Assistant Superintendent of Curriculum and Instruction for additional information.

Sincerely,

A handwritten signature in black ink that reads "David Swart". The signature is written in a cursive style with a large, prominent "D" at the beginning.

David Swart
Superintendent
Rescue Union School District]

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OPCIONES PROGRAMÁTICAS/OPCIONES PROGRAMÁTICAS ESPECIALES

**PROGRAMMATIC OPTIONS OFFERED WITHIN
RESCUE UNION SCHOOL DISTRICT**

Transitional Kindergarten

**Green Valley Elementary School
Rescue Elementary School
Lakeview Elementary School
Lake Forest Elementary School
Jackson Elementary School**

The Rescue Union School District Transitional Kindergarten Program is a state funded two-year kindergarten experience that supports students to develop foundational behaviors, skills, and attitudes to promote competence and confidence in kindergarten and throughout their comprehensive school experience.

It is designed for students who may benefit from an extra year prior to entry into a traditional Kindergarten class.

For more information call:

| | |
|---------------------|--------------|
| Green Valley School | 530-677-3686 |
| Rescue School | 530-677-2720 |
| Lakeview School | 916-941-2600 |
| Lake Forest School | 916-933-0652 |
| Jackson School | 916-933-18 |
| District Office | 530-672-4810 |

(Sharon Laurel, Administrative Assistant)

Visual & Performing Arts

**JACKSON ELEMENTARY SCHOOL
EDUCATING THE WHOLE CHILD THROUGH THE ARTS**

Many opportunities exist for students to experience the arts at Jackson Elementary School. California State Standards are embedded into the curriculum in all academic areas including VAPA. Music, theatrical performance, and visual arts are woven through the curriculum in all areas of study at each grade level. Opportunities in the Visual and Performing Arts at Jackson include:

- Providing a safe, nurturing environment where children can explore personal creativity through the Arts
- Opportunities for critical thinking, problem solving and creative risk taking
- Examining the world through Visual and Performing Arts
- Fostering an appreciation of diverse cultures
- Developing a deeper understanding of self
- Exploring ways to express self
- Investigating talents and showcasing newly acquired skills
- Music instruction, music appreciation, band, dance, choir, musical productions and oral interpretation of poetry

C.O.O.L. SCHOOL

Collaborative Opportunities for Online Learning

INNOVATIVE FLEXIBLE STUDENT-CENTERED CHOICES

COOL School is a public, tuition-free independent study program offered through the Rescue Union School District. The COOL School offers an innovative, 21st century learning experience where students have the opportunity to complete coursework online at home. All curriculum is aligned to the Common Core State Standards. Students enroll full-time in one of three flexible learning options involving choices of online coursework, face-to-face instruction and traditional independent study. The blended learning model combines virtual learning with face-to-face instruction and allows students rich socialization experiences. The certificated teachers for the program are employed by the Rescue Union School District and are highly-qualified as defined by the Elementary and Secondary Education Act (ESEA).

FEATURES AND BENEFITS:

- Innovative, relevant and personalized learning plans
- Engaging, self-paced curriculum
- Flexible to meet the needs of the student and family
- Rigorous standards-based curriculum
- Blended learning model offers ample opportunity for social opportunities
- Student progress is closely monitored by credentialed instructors
- Allows for differentiation for each student
- Accessible anytime and anywhere

MISSION

To provide an innovative, rigorous digital learning environment that prepares students for the 21st century and beyond.

ADJUNTO 6

ESCUELAS ALTERNATIVAS

“Notificación de Escuelas Alternativas: La ley estatal de California autoriza a todos los distritos escolares a proporcionar escuelas alternativas. La Sección 58500 del Código de Educación define las escuelas alternativas como escuelas o grupos de clase separados dentro de una escuela que están operados de una manera diseñada para:

- (a) Maximizar la oportunidad para los estudiantes de desarrollar los valores positivos de autosuficiencia, iniciativa, amabilidad, espontaneidad, inventiva, coraje, creatividad, responsabilidad y alegría.
- (b) Reconocer que el mejor aprendizaje tiene lugar cuando el estudiante aprende debido a su deseo de aprender.
- (c) Mantener una situación de aprendizaje maximizando la automotivación del estudiante y animando al estudiante a que en su tiempo libre siga sus propios intereses. Estos intereses pueden haber sido pensados total e independientemente por el estudiante o pueden resultar completamente o en parte de una presentación de sus maestros de elecciones para proyectos de aprendizaje.
- (d) Maximizar la oportunidad para los maestros, padres y estudiantes de desarrollar de forma cooperativa el proceso de aprendizaje y su objeto de estudio. Esta oportunidad será un proceso permanente continuo.
- (e) Maximizar la oportunidad de los estudiantes, maestros y padres de reaccionar de manera continua al mundo cambiante, incluyendo, pero no estando limitado a, la comunidad en la que está localizada la escuela.

En el caso en el que algún padre, estudiante o maestro esté interesado en más información relativa a escuelas alternativas, el superintendente de escuelas del condado, la oficina administrativa de este distrito, y la oficina del director en cada unidad de asistencia tienen copias de la ley disponibles para su información. Esta ley autoriza de manera particular a personas interesadas en solicitar a la mesa de gobierno del distrito que se establezcan programas de escuelas alternativas en cada distrito.”

[E.C. 58501]

**EL DORADO COUNTY
APPLICATION FOR INTERDISTRICT ATTENDANCE OR RESIDENCY AGREEMENT**

Check One:
 New Application
 Re-Application

PROCEDURE: Parents/Guardians are requested to FIRST present this application to the district of residence. If the application is accepted, it is then the responsibility of the parents/guardians to present the accepted application to the district which they desire their child to attend. **One form per child is required.**

Applicable Year: _____

Part One: Application

Pupil Name: _____ Grade for year requested: _____

Name of Parents/Guardians: _____ Parent Email Address: _____

Address: _____ Phone: _____
 (Street) (City) (ZIP)

District of RESIDENCE: _____ School: _____

Desired District: _____ 1st School(s) Preference: _____

2nd School(s) Preference: _____

Part Two:

1. REASON FOR INTERDISTRICT TRANSFER REQUEST: Change of school of attendance is necessary because (be specific):

Interdistrict Attendance Agreements are subject to considerations of program availability and may be revoked for unexcused absences and tardiness, violations of State School Laws and Codes, as well as district rules and regulations, including behavior issues. (Parent Initials)

2. RESIDENCE BASED ON EMPLOYMENT WITHIN DISTRICT BOUNDARIES:

I request consideration of residency because of my physical employment within the District for a minimum of 10 hours during the school week under the provisions of Education Code Section 48204(b) which allows but does not require such residency to be granted.

Name of Employer: _____

Employment Address: _____ Phone: _____

Located in the: _____ School District

(I understand that I need not reapply annually for residency, but I must provide annual verification of my continued employment within District boundaries.)

District considerations for residence based on physical employment within District boundaries will include costs in excess of additional State aid and availability of space.

Please check one area and complete information requested:

| | |
|--|--|
| Has your child been expelled? <input type="checkbox"/> Yes <input type="checkbox"/> No | Is your child in any special program? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain. |
| Before any expelled pupil may be enrolled, a district Board hearing is required to determine whether the pupil poses a continuing danger to either the pupils or employees of the district. (Education Code 48915.1(a)). | _____ |

(Transportation is not furnished to students outside the school district boundaries.)

SIGNATURE OF PARENTS/GUARDIANS: _____ **Date:** _____

Part Three: Approval or Denial

This agreement is effective for the school year beginning July 1, _____, and ending June 30, _____, and supercedes all prior interdistrict agreements. No tuition will be charged. The district of attendance will credit average daily attendance (ADA).

Part Four:

A. CONDITIONS REQUIRING REAPPLICATION: It is understood and agreed that reapplication shall be required after the current [2012/2013] school year if student has not met all of the following requirements:

1. maintain passing grades in all subjects; 2. maintain proper behavior --free from imposition of any disciplinary action; 3. is not excessively tardy or absent.

B. CONDITIONS REQUIRING REVOCATION: It is further understood and agreed that this interdistrict attendance may be revoked if the student:

1. does not maintain passing grades in all subjects; 2. engages in any improper behavior resulting in disciplinary action; 3. is excessively tardy or absent.

| RESIDENT DISTRICT | REQUESTED DISTRICT |
|---|---|
| <input type="checkbox"/> The request for transfer is approved and referred to the requesting district. | <input type="checkbox"/> The request for transfer is approved. |
| <input type="checkbox"/> The request for transfer is denied. The reason(s) for this determination are indicated on the reverse of this form. Reason(s) cited: _____ | <input type="checkbox"/> The request for transfer is denied. The reason(s) for this determination are indicated on the reverse of this form. Reason(s) cited: _____ |

Approval by both the District of Residence and the Requested District are required prior to enrollment and placement in the Requested District.

SIGNED BY THE AUTHORIZED DISTRICT REPRESENTATIVES:

_____ DISTRICT OF RESIDENCE

Name: _____

Title: _____ Date: _____

_____ REQUESTED DISTRICT

Name: _____

Title: _____ Date: _____

Considerations for Denial of Request for Transfer

- A. Excess number of students transferring out of district and denial based on policies of the governing board.
- B. Additional cost of educating student would exceed the amount of additional state aid received as a result of the transfer.
- C. School facilities are overcrowded at the relevant grade level.
- D. Unexcused absences and tardiness or behavior issues.
- E. Enrollment of student would adversely affect the district's court-ordered or voluntary desegregation plan.
- F. Proof of parent/guardian's physical employment within district boundaries not provided.
- G. Transfer denied due to overcrowding within district schools or due to limited district resources.
- H. Other

Parents Rights

If you have not been given permission for interdistrict attendance as you have requested within 30 calendar days after having made such a request, you are entitled to appeal to the County Board of Education. Your appeal rights are as follows:

1. You must appeal within 30 calendar days of the failure or refusal of the Governing Board of either school district to issue a permit or to enter into an agreement allowing the attendance.
2. Your appeal must be made to the El Dorado County Board of Education at 6767 Green Valley Road, Placerville, CA 95667. Telephone Number: (530)622-7130
3. If your current district of residence is outside of El Dorado County, you must appeal to the County Board of Education having jurisdiction over the district of residence where you reside.
4. Failure to appeal within the required time is good cause for denial of an appeal.
5. An appeal can only be accepted if it is verified that you have fully exhausted all appeals within the districts.
6. The County Superintendent of Schools, through someone he/she designates, shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the County Board in reaching a decision.
7. You shall have the opportunity to have a hearing according to rules and regulations adopted by the County Board of Education and to submit written statements and documentation.
8. You shall be provided notice as to the time and date of any hearing scheduled.
9. If you introduce new evidence at the County Board level, the County Board may remand the matter for further consideration by the district or districts. In all of the cases, the appeal shall be granted or denied on its merits.
10. The County Board of Education is required, within 30 calendar days after the appeal is filed, to determine whether the pupil should be permitted to attend in the district in which he/she desires to attend and the applicable period of time.
11. The County Board rules may provide for the granting of additional time if good cause is shown.
12. If the County Board cannot make a decision in the required time as practical matter, the time period may be extended for up to an additional five (5) school days.
13. If the interdistrict attendance involves school districts located in different counties, the County Board of Education having jurisdiction over the district denying the permit, or refusing or failing to enter into an agreement to allow the issuance of a permit, shall have jurisdiction for the purposes of an appeal.
14. If both County districts deny a permit, or refuse or fail to enter into an agreement to allow for the issuance of a permit, the County Board having jurisdiction over the district of residence shall have jurisdiction for purposes of an appeal, and upon granting a pupil's appeal, shall seek concurrence in the decision by the County Board of the other county which shall provide adequate opportunity for the district under its jurisdiction to be heard on the matter before making a decision. If the two County Boards do not then concur, the pupil's appeal shall be denied.
15. Students who are under consideration for expulsion, or who have been expelled pursuant to Sections 48915(a) and 48918 may not appeal interdistrict attendance denials or recisions while expulsion proceedings are pending or during the term of the expulsion.

Rescue Union School District
2390 Bass Lake Road ♦ Rescue, CA 95672 ♦ (530) 677-4461

| |
|-------------------------------------|
| For School Year _____ |
|-------------------------------------|

INTRADISTRICT TRANSFER REQUEST

Intradistrict Transfer refers to student transfers to another school site within the Rescue Union School District

| STUDENT NAME(S) | DATE OF BIRTH | GRADE (FOR YEAR REQUESTED) | SCHOOL OF RESIDENCE | SCHOOL REQUESTED |
|-----------------|---------------|----------------------------|---------------------|------------------|
| | | | | |
| | | | | |
| | | | | |

| | |
|------------------|-------------|
| PARENT/GUARDIAN: | HOME PHONE: |
| STREET ADDRESS: | WORK PHONE: |
| CITY/ZIP: | CELL: |
| EMAIL ADDRESS:: | |

REASON FOR TRANSFER REQUEST

Special District Program: *Name of program* _____
 Continuing Intradistrict Transfer
 Sibling of student currently enrolled at school requested
 New Intradistrict applicant meeting priority enrollment deadline
 New Intradistrict applicant submitted after priority enrollment deadline
 Overflow Student
 Other _____

Check any category below that applies to your child:

| | | |
|----------------------------------|--|--|
| <input type="checkbox"/> Gifted | <input type="checkbox"/> English Learner | <input type="checkbox"/> Special Ed (SDC, RSP, Speech) |
| <input type="checkbox"/> Title I | <input type="checkbox"/> 504 Plan | <input type="checkbox"/> Academic Intervention |

PARENT / GUARDIAN SIGNATURE

SIGNATURE DATE

APPROVAL *Intradistrict transfers must be submitted to your school of residence first for administrator's approval.*

| | |
|---|--|
| 1. SCHOOL OF RESIDENCE ADMINISTRATOR _____ <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 20px;"> SIGNATURE DATE </div> <i>Reason for Denial</i> _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED |
| 2. REQUESTED SCHOOL ADMINISTRATOR _____ <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 20px;"> SIGNATURE DATE </div> <i>Reason for Denial</i> _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED |
| 3. FINAL DISTRICT APPROVAL SUPERINTENDENT _____ <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 20px;"> SIGNATURE DATE </div> <i>Reason for Denial</i> _____ | <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED |

This application may be denied during the school year if a site or educational placement becomes impacted.
 For priority guidelines for intradistrict transfers, please refer to Board Policy 5116.1 and to the information on the back.

Acceptance of this transfer has no correlation with the El Dorado Union High School District's intradistrict transfer policies or assigned high school. The El Dorado Union High School District boundaries are based upon home address/residence. Should there be any questions feel free to call the EDUSHD, Student Services Office at 530-622-5081, Ext. 7224

copies: School of Residence School Requested Parent Guardian

Last revised: 1.14.13

Rescue Union School District
INTRADISTRICT TRANSFER INFORMATION

ATTENDANCE PRIORITIES

Priority for attendance and waiting list will be given to students within the following categories:

First, students residing within a school’s attendance area (Education Code 35160.5), and

Secondly, continuing students wishing to remain at the same school—intradistrict and overflow students (overflow students are students displaced by the district from their school of residence due to unavailability of space).

Intradistrict transfers are for one year only and requests must be submitted annually.

Intradistrict enrollment will be determined based on the following priorities:

1. Siblings of intradistrict, and overflow students concurrently enrolled at the same school.
2. Continuing intradistrict transfer students.
3. New intradistrict transfers for students with siblings already admitted at the school.
4. New intradistrict applicants - Students will be selected by lot and if space is not available will be placed on a waiting list. *Those students who are on the waiting list will be given priority over new intradistrict applicants submitted after the last week in July unless they request to be dropped.*
5. Interdistrict Transfers:
 - a. Continuing interdistrict transfers
 - b. New applications *(If space is not available student will be placed on the waiting list for the remainder of the year)*

Priority for Intra- Interdistrict Transfer Requests

| Order of Consideration | New Request | Continuing | Sibling Already Admitted at the School |
|--------------------------------|--|------------|--|
| 1st Priority | | Y | Y |
| 2nd Priority | | Y | |
| 3rd Priority | Y | | Y |
| 4th Priority | Y | | |
| 5th Priority | Interdistrict transfer: a. Continuing transfers b. New applications | | |

Intradistrict enrollment requests will be approved, as space is available, using the priority ranking listed above. In the event of limited space, with multiple applicants meeting the same priority criteria, a lottery process will be used to select the requests to be approved. Spaces will be filled in the order in which the applications are drawn. The names from the remaining requests will be drawn, using the lottery process, and placed on a wait list.

TRANSPORTATION

Transportation will not be provided for students attending other schools on an intradistrict transfer.

ADJUNTO 7

PROCEDIMIENTOS UNIFORMES DE RECLAMACIÓN

Rescue Union ESD

Board Policy

Uniform Complaint Procedures

BP 1312.3

Community Relations

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5148 - Child Care and Development)

(cf. 6159 - Individualized Education Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any person in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on

his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

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

4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions Against the District)

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has

previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

(cf. 6152 - Class Assignment)

9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)

(cf. 6142.7 - Physical Education and Activity)

10. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
11. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

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

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

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

(cf. 3580 - District Records)

Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

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

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
222 Reasonable accommodations; lactating students
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32289 School safety plan, uniform complaint procedures
35186 Williams uniform complaint procedures
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49013 Student fees
49060-49079 Student records
49069.5 Rights of parents
49490-49590 Child nutrition programs

51210 Courses of study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth and homeless children; course credits; graduation requirements
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan, especially
52075 Complaint for lack of compliance with local control and accountability plan requirements
52160-52178 Bilingual education programs
52300-52490 Career technical education
52500-52616.24 Adult schools
52800-52870 School-based program coordination
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56867 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6577 Title I basic programs
6801-6871 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs
12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
110.25 Notification of nondiscrimination on the basis of age

Management Resources:

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Sexual Violence, April 2011

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

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

U.S. Department of Justice: <http://www.justice.gov>

Policy

adopted: January 2006
revised: December 11, 2012
revised: February 26, 2013
revised: December 9, 2014
revised: October 13, 2015
revised: April 12, 2016

RESCUE UNION SCHOOL DISTRICT
Rescue, California

Rescue Union ESD

Administrative Regulation

Uniform Complaint Procedures

AR 1312.3

Community Relations

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

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

Director of Human Resources
2390 Bass Lake Road
Rescue, CA 95672
(530) 677-4461
djohnson@rescueusd.org

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against or implicating a compliance officer may be filed with the Superintendent or designee.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those involving alleged unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the

site principal to implement, if possible, one or more interim measures. The interim measures may remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, provided through district-supported social media.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

- d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
- e. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- f. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.
- g. A foster youth or homeless student who transfers into a district high school or between district high schools shall be notified of the district's responsibility to:
 - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
 - (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency
 - (3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1
- h. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
- i. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
- j. Copies of the district's UCP are available free of charge.

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in accordance with the following:

1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an

investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant or alleged victim of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Mediation

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be

answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint

4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The relationship between the alleged victim(s) and offender(s)
 - d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
 - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's right to appeal the district's decision to the CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

Regulation
approved: January 2006
revised: December 11, 2012
revised: February 26, 2013
revised: December 9, 2014
revised: October 13, 2015
revised: April 12, 2016

RESCUE UNION SCHOOL DISTRICT
Rescue, California

WHAT IS A COMPLAINT?

A complaint is a written and signed statement alleging a violation of a federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, or bullying. A complaint must be filed by way of the Uniform Complaint Procedures (UCP) as written in the *California Code of Regulations*, Title 5, sections 4600-4687. Issues that may involve filing a complaint using the UCP are under various state and federal programs that use categorical funds such as Adult Education, After School Education and Safety, Agricultural Vocational Education, American Indian Education Centers, American Indian Early Childhood Education, Career Technical Education, Child Care and Development, Consolidated Categorical Aid, Foster Youth Services, Local Control Funding Formula and Local Control Accountability Plans, Migrant Education, Nutrition Education, Regional Occupational Centers, School Facilities, Special Education, Tobacco-Use Prevention Education, and Unlawful Pupil Fees.

Williams Settlement complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils, and teacher vacancy or misassignment may be filed anonymously. Schools shall have a complaint form available for these types of complaints. Schools will not reject a complaint if the form is not used as long as the complaint is submitted in writing.

Not all complaints fall under the scope of the UCP. Many concerns are the responsibilities of the local agencies, including, hiring and evaluation of staff, employee relations, classroom assignments, student advancement and retention, selection/provision of textbooks and materials, student discipline, provision of core curricula subjects, facilities, graduation requirements, homework policies and practices, use of general education funds and dress codes and school uniforms.

Source: <http://www.cde.ca.gov/re/cp/uc/> (downloaded 07/12/16)

For further information, please contact the Rescue Union School District Director of Human Resources at (530) 672-4814.

ADJUNTO 8

NORMATIVA DE PREVENCIÓN CONTRA EL ACOSO SEXUAL

Rescue Union ESD
Board Policy
Sexual Harassment

BP 5145.7

Students

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who files a complaint, testifies, or otherwise participates in district complaint processes.

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable

Complaint Process

Any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity (e.g., by a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Confidentiality and Record-Keeping

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in the schools.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

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

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

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

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

OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

WEB SITES

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

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

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

Policy

adopted: August 11, 2009

revised: June 25, 2013

RESCUE UNION SCHOOL DISTRICT

Rescue, California

Rescue Union ESD

Administrative Regulation

Sexual Harassment

AR 5145.7

Students

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

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 a 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 sexually 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, shall be handled in accordance with the following procedure:

1. **Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the district Coordinator for Nondiscrimination/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint.

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

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

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

SEXUAL HARASSMENT (continued)

3. **Initial Interview with Student:** When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Principal shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.
4. **Investigation Process:** The Coordinator/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Coordinator/Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator/Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Coordinator/Principal also may discuss the complaint with the Superintendent or 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.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

5. **Interim Measures:** The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.
6. **Optional Mediation:** In cases of student-on-student harassment, when the student who complained and the alleged harasser so agree, the Coordinator/Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

(cf. 5138 - Conflict Resolution)

7. **Factors in Reaching a Determination:** In reaching a decision about the complaint, the Coordinator/Principal may take into account:
- a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of any past instances of harassment by the alleged harasser
 - e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Coordinator/Principal may take into consideration:

- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them
 - d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different students
8. **Written Report on Findings and Follow-Up:** No more than 30 days after receiving the complaint, the Coordinator/Principal shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator/Principal shall notify the student who complained and explain the reasons for the extension.

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

In addition, the Coordinator/Principal shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator/Principal 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

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

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

(cf. 5125 - Student Records)

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.

(cf. 4118 - Suspension/Disciplinary Action)

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

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

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

Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
5. Be included in the student handbook
6. Be provided to employees and employee organizations

Regulation

approved: April 2002

revised: August 11, 2009

revised: June 25, 2013

RESCUE UNION SCHOOL DISTRICT

Rescue, California

ADJUNTO 9

LISTA DE PESTICIDAS



<http://www.rescueusd.org/Departments/Facilities--Maintenance/index.html>

ATTACHMENT 9

RESCUE UNION SCHOOL DISTRICT

2390 Bass Lake Road • Rescue, CA 95672

(530) 677-4461 • FAX (530) 677-0719

www.rescueusd.org

July 2016

Dear Parent or Guardian,

Rescue Union School District has adopted the Healthy Schools Act of 2000 (Education Code 48980.3). Under these laws all schools are required to provide parents or guardians with annual written notification of expected pesticide use on school sites. The notification will identify the active ingredient(s) in each pesticide product and will include the Internet address (<http://www.cdpr.ca.gov>) for further information on pesticides and their alternatives. We will send out annual notification starting September 1, 2009.

Parents or guardians may request prior notification of individual pesticide applications at the school site. Beginning September 1, 2009, people listed in this registry will be notified at least 72 hours before pesticides are applied. If you would like to be notified every time we apply a pesticide, please complete the form below and return it to Rescue Union School District, 2390 Bass Lake Road, Rescue, CA 95672 Attn: Phil Jones, Coordinator of Maintenance and Operations.

Anticipated chemicals to be used: *Round Up Pro, Glyphosate Pro 4, Dimension, Remedy, Sedgehammer, Speedzone*

If you have any questions, please contact Coordinator of Maintenance and Operations at 530-672-4300 or pjones@rescueusd.org.

REQUEST FOR INDIVIDUAL PESTICIDE APPLICATION NOTIFICATION

_____ **School Name**

I understand that, upon request, the school district is required to supply information about individual pesticide applications at least 72 hours before application. I would like to be notified before each pesticide application at this school.

I would prefer to be contacted by (circle one): **US Mail** **E-Mail** **Phone**

Please print clearly:

Name of Parent/Guardian: _____ Date: _____

Address: _____

Day Phone: _____ Evening Phone: _____

E-Mail Address: _____

"Educating for the Future Together"

David Swart, Superintendent

Board of Trustees

Nancy Brownell - Ellen Driscoll - Suzanna George - Serena Posner - Kim White