

**BUTTE COUNTY OFFICE OF EDUCATION
SUPERINTENDENT’S POLICY AND ADMINISTRATIVE REGULATIONS**

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SP 5000

CONCEPTS AND ROLES

The County Superintendent shall make every effort to maintain a safe, positive school environment and student services that promote student welfare and academic achievement. The County Superintendent expects students to make good use of learning opportunities by demonstrating regular attendance, appropriate conduct, and respect for others.

The County Superintendent is fully committed to providing equal educational opportunities and keeping the schools free from discriminatory practices. The County Superintendent shall not tolerate the intimidation or harassment of any student for any reason.

The County Superintendent or designee shall establish procedures to keep parents/guardians and students well-informed about school and Butte County Office of Education rules and regulations related to attendance, health examinations, records, grades and student conduct. When conducting hearings related to discipline, attendance and other student matters, the Butte County Board of Education shall afford students their due process rights in accordance with law.

Legal Reference:

EDUCATION CODE

35160 Roles

35160.1 Authority

35291-35291.5 Government and discipline

Approved: July, 2004

Revised:

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SP 5021

NON-CUSTODIAL PARENTS

The County Superintendent recognizes the right of parents/guardians to be involved in the education of their children and desires to balance that right with Butte County Office of Education's need to ensure the safety of students while at school.

The parent/guardian who enrolls a child in a Butte County Office of Education school shall be presumed to be the child's custodial parent/guardian and shall be held responsible for the child's welfare.

School officials shall presume that both parents/guardians have equal rights regarding their child, including, but not limited to, picking the student up after school or otherwise removing the student from school, accessing student records, participating in school activities, or visiting the school. When a court order restricts access to the child or to his/her student information, a parent/guardian shall provide a copy of the certified court order to the Principal or designee upon enrollment or upon a change in circumstances.

In the event of an attempted violation of a court order that restricts access to a student, the Principal or designee shall contact the custodial parent and local law enforcement officials and shall make the student available only after one or both of these parties consent.

Legal Reference:

EDUCATION CODE

48204 Residency requirements

49061 Definitions

49069 Absolute right to access

49091.10-49091.19 Parental review of curriculum and instruction

49408 Emergency information

56028 Definition, parent for special education

51100-51102 Parent/guardian rights

FAMILY CODE

3002 Joint legal custody, definition; § Sole legal custody, definition

3025 Parental access to records

6550-6552 Caregivers

GOVERNMENT CODE

810-996.6 Government Claims Act

6205-6211 Confidentiality of residence for victims of domestic violence

Approved: July, 2009

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

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SP 5022

STUDENT AND FAMILY PRIVACY RIGHTS

The County Superintendent respects the rights of students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

The County Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students [or to generate other statistically useful data for the purpose of securing such tests and assessments] and the subsequent analysis and public release of the aggregate data from such tests and assessments
5. The sale by students of products or services to raise funds for school-related or education-related activities
6. Student recognition programs

The County Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

The County Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following:

1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose
2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:
 - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
 - b. Instructional materials used as part of their children's educational curriculum
 - c. Instruments used in the collection of personal information for the purpose of marketing or sale
4. Any non-emergency physical examinations or screenings that the school may administer

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The County Superintendent or designee shall notify parents/guardians of the adoption or continued use of Butte County Office of Education's Superintendent's Policy and Administrative Regulations pertaining to the rights specified in items #1-4 above.

Legal Reference:

EDUCATION CODE

2347 Student protections relating to immigration and citizenship status

49076.7 Privacy of student records; social security numbers

49450-49458 Physical examinations

49602 Confidentiality of personal information received during counseling

51101 Parents Rights Act of 2002

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

51514 Non-removal of survey questions pertaining to sexual orientation or gender identity

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

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Approved: March, 2011

Revised: March, 2018

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AR 5022

REGULATIONS REGARDING STUDENT AND FAMILY PRIVACY RIGHTS

Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian, or a student who is an adult or emancipated minor, shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following:

1. Political affiliations or beliefs of the student or his/her parent/guardian
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating, or demeaning behavior
5. Critical appraisals of other individuals with whom the student has close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers
7. Religious practices, affiliations, or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

If a student participates in such a survey requesting information about personal beliefs and practices, school officials and staff members shall not request or disclose the student's identity.

Notwithstanding the above requirements for prior written consent, the district may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate.

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

Parent/Guardian Access to Surveys and Instructional Materials

The parent/guardian of any district student, upon his/her request, shall have the right to inspect:

1. A survey or other instrument to be administered or distributed to his/her child that either collects personal information for marketing or sale or requests information about beliefs and practices
2. Any instructional material to be used as part of his/her child's educational curriculum

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

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No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

Health Examinations

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian, unless an applicable state law authorizes the student to provide consent without parent/guardian notification.

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a properly authorized hearing, vision, or scoliosis screening.

Notifications

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

1. The district's policy regarding student privacy
2. The process to opt their children out of participation in any activity described in this administrative regulation and the accompanying Board policy
3. The specific or approximate dates during the school year when the following activities are scheduled:
 - a. Survey requesting personal information
 - b. Physical examinations or screenings
 - c. Collection of personal information from students for marketing or sale

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

Parents/guardians shall also be notified of any substantive change to this policy and administrative regulation within a reasonable period of time after adoption of the change.

Approved: March, 2011

Revised: March, 2018

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SP 5030

STUDENT WELLNESS

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

To encourage consistent health messages between the home and school environment, the County Superintendent or designee may disseminate health information and/or Butte County Office of Education's student wellness policy to parents/guardians through the Butte County Office of Education or school newsletters, handouts, parent/guardian meetings, websites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

School Health Council/Committee

The County Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, school administrators, Butte County Board of Education Members, school staff, and members of the public to participate in the development, implementation, and periodic review and update of Butte County Office of Education's student wellness policy.

To fulfill this requirement, the County Superintendent or designee may appoint a school health council or other committee whose membership shall include representatives of these groups. The County Superintendent or designee may also invite participation of other groups or individuals, such as health educators, curriculum directors, counselors, before- and -after school program staff, health practitioners, and/or others interest in school health issues.

The school health council/committee shall advise the County Superintendent or designee on health-related issues, activities, policies, and programs. At the discretion of the County Superintendent or designee, the duties of the council/committee may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

Nutrition and Physical Activity Goals

The County Superintendent or designee shall adopt goals for nutrition promotion and education, physical activity, and other school based activities that promote student wellness.

Butte County Office of Education's nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum

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frameworks and content standards, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program. Nutrition education also may be offered through before- and after-school programs.

Professional development shall be regularly offered to health education and physical education teachers, coaches, activity supervisors, food services staff, and other staff as appropriate to enhance their health knowledge and skills.

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extra-curricular programs, before- and after-school programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

Nutritional Guidelines for Foods Available at School

For all foods available on each campus during the school day, Butte County Office of Education shall adopt nutritional guidelines and support the objectives of promoting student health and reducing childhood obesity.

The County Superintendent believes that foods and beverages available to students should support the health curriculum and promote optimal health, taking into consideration the needs of students with special dietary needs. Nutritional standards adopted by Butte County Office of Education for all foods and beverages sold to students, including foods and beverages provided through the food service program, student stores, vending machines, or other venues, shall meet or exceed state and federal nutritional standards.

To reinforce the Butte County Office of Education's nutrition education program, the County Superintendent prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free give-aways, or other means.

In order to maximize Butte County Office of Education's ability to provide nutritious meals and snacks, all schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, Butte County Office of Education's schools may sponsor a summer meal program.

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The County Superintendent or designee shall provide access to free potable water during meal times in the food service area and shall encourage students' consumption of water by educating them about the health benefits of water and serving water in an appealing manner.

School staff shall encourage parents/guardians or other volunteers to support the nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

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

Goals for Nutrition, Physical Activity, and Other Wellness Activities

The County Superintendent may enter into a joint use agreement or memorandum of understanding to make Butte County Office of Education facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity for physical activity.

In order to ensure that students have access to comprehensive health services, Butte County Office of Education schools may provide access to health services at or near the schools and/or may provide referrals to community resources.

The County Superintendent recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

Goals for Nutrition, Physical Activity, and Other Wellness Activities (con't)

The County Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness programs and may provide opportunities for regular physical activity among employees.

Program Implementation and Evaluation

The Assistant Superintendent of Student Programs and Services or designee shall ensure that each school site complies with this policy.

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

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Posting Requirements

Each school shall post the Butte County Office of Education's Superintendent's Policies and Administrative Regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas.

Each school shall also post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education.

Legal Reference:

EDUCATION CODE

33350-33354 CDE responsibilities re: physical education
49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-49561 Meals for needy students
49565-49565.8 California Fresh Start pilot program
49570 National School Lunch Act
51210 Course of study, grades 1-6
51220 Course of study, grades 7-12
51222 Physical education
51223 Physical education, elementary schools
51795-51796.5 School instructional gardens
51880-51921 Comprehensive health education
CODE OF REGULATIONS, TITLE 5
15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs
UNITED STATES CODE, TITLE 42
1751-1769 National School Lunch Program, especially
1758b Local wellness policy
1771-1791 Child Nutrition Act, especially
1773 School Breakfast Program
1779 Rules and regulations, Child Nutrition Act
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.1-220.23 National School Breakfast Program

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5111

ADMISSION

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

The County Superintendent or designee shall verify the student's age, residency, and any other admission criteria specified in law and in Butte County Office of Education Superintendent's Policy and Administrative Regulations.

All resident students who are enrolling shall be subject to the timelines established Butte County Office of Education Superintendent's Policy and Administrative Regulations.

The County Superintendent or designee may admit to the ninth grade only those students who have graduated from eighth grade or who are recommended in writing by their eighth-grade principal as capable of profiting from high school instruction.

Legal Reference:

EDUCATION CODE

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

46600 Agreements for admission of students desiring inter-district attendance

48000 Minimum age of admission (kindergarten)

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

48010 Minimum age of admission (first grade)

48011 Admission for kindergarten or other school; minimum age

48050-48053 Non-residents

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

48350-48361 Open Enrollment Act

48850-48859 Educational placement of foster youth

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

49408 Information of use in emergencies

49700-49704 Education of children of military families

HEALTH AND SAFETY CODE

120325-120380 Education and child care facility immunization requirements

121475-121520 Tuberculosis tests for students

CODE OF REGULATIONS, TITLE 5

200 Promotion from kindergarten to first grade

201 Admission to high school

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirement

UNITED STATES CODE, TITLE 42

11431-11435 McKinney Homeless Assistance Act

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BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5111

REGULATIONS REGARDING ADMISSION

Age of Admittance to Grades K-1

A child shall be eligible for enrollment in kindergarten or first grade, at the beginning of the school year or at a later time in the same year, if the child has his/her fifth or sixth birthday, respectively, on or before September 1 each school year.

Any child who will have his/her fifth birthday between the date listed above for the applicable school year and December 2 shall be offered a transitional kindergarten program in accordance with law.

On a case-by-case basis, a child who reaches age five after the date listed above for the applicable school year may be admitted to kindergarten at any time during the school year with the approval of the child's parent/guardian, provided that:

1. The County Superintendent or designee determines that the admittance is in the best interests of the child.
2. The parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

In determining whether a child may be granted early entry to kindergarten, the County Superintendent or designee may also consider the availability of classroom space and any negotiated maximum class size.

Documentation of Age/Grade

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

Evidence of the child's age may include:

1. A certified copy of a birth certificate or a statement by the local registrar or county recorder certifying the date of birth
2. A duly attested baptism certificate
3. Passport

When none of the foregoing is obtainable, the parent/guardian may provide any other appropriate means of proving the age of the child.

A student enrolling at any other grade level shall present records from his/her previous school district documenting his/her age and current grade level.

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SP 5112.1

EXEMPTIONS FROM ATTENDANCE

Each student between the ages of 6 and 18 shall be subject to compulsory full-time education.

However, the County Superintendent or designee may grant exemptions from compulsory attendance to a student as allowed by law and in the best interest of the student. Exemptions shall not be used to remove a student from the school for disciplinary purposes.

As needed, the County Superintendent or designee may require a student or his/her parent/guardian to submit written documentation that the student fulfills one of the conditions specified in law and Butte County Office of Education Superintendent's Policy and Administrative Regulation for which exemption is authorized.

Legal Reference:

EDUCATION CODE

33190 Affidavit by persons conducting private school instruction

46100-46147 Minimum school day

46170 Minimum school day, continuation education

48200-48341 Compulsory education law

48400-48454 Compulsory continuation education

48800-48802 Attendance at community college

49110-49119 Permits to work

49130-49135 Permits to work full time

LABOR CODE

1285-1312 Employment of minors

1390-1399 Employment of minors

CODE OF REGULATIONS, TITLE 5

11522 Parental consent for exemption based on high school proficiency certificate

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

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AR 5112.1

REGULATIONS REGARDING EXEMPTIONS FROM ATTENDANCE

Exemptions from Regular Education Program

A student may be exempted from full-time attendance in the regular education program if he/she:

1. Is being instructed in a private full-time school and the County Superintendent or designee verifies that the private school has filed an affidavit
2. Is being instructed by a private tutor who holds a valid state credential for the grade taught, provided that the instruction consists of study and recitation for at least three hours a day for 175 days of each calendar year
3. Holds a work permit to work temporarily in the entertainment or allied industries
4. Holds a work permit and attends part-time classes
5. Is between the ages of 12 and 18 and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term
6. Is at least age 15 and is taking a leave of absence for up to one semester for the purpose of supervised travel, study, training, or work not available to the student under another educational option
7. Attends a community college as a special full-time student on the grounds that he/she would benefit from advanced scholastic or vocational work

Exemptions from Continuation Education

A student who would otherwise be subject to compulsory continuation education may be exempted if he/she:

1. Has graduated from a public high school maintaining a four-year course above grade 8 or has had an equal amount of education in a private school or from a private tutor
In the case of a private school, the exemption shall be granted only if the County Superintendent or designee has verified that the private school has filed an affidavit
2. Has successfully demonstrated proficiency equal to or greater than standards established by the California Department of Education and has verified approval submitted by his/her parent/guardian
3. Is attending a public or private full-time day school or satisfactory part-time classes maintained by other agencies
4. Is attending adult school for not less than four hours per calendar week
5. Is attending a regional occupational program or center
6. Is disqualified because of his/her physical or mental condition or because of personal services that must be rendered to his/her dependents
7. Is between the ages of 12 and 18 and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term

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In addition, a student who is between the ages of 16 and 18 may be exempted from continuation education if he/she is taking a leave of absence for up to two semesters for the purpose of supervised travel, study, training, or work not available to the student under another educational option.

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5112.2

EXCLUSION FROM ATTENDANCE

The County Superintendent recognizes that there may be cases when the exclusion of certain students shall be necessary because their presence in school presents a clear and present danger to the life, safety or health of students or school personnel.

Legal Reference:

EDUCATION CODE

1040 Duties of boards

1042 Powers of boards

48210-48214 Persons excluded

48221 Physical or mental conditions

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

49408 Information of use in emergencies

49451 Parent's refusal to consent

HEALTH AND SAFETY CODE

3118 Exclusion of persons from school

3380-3390 Immunization against communicable diseases

120230 Infectious disease attendance

120325-120380 Isolation

121475-121520 TB testing

124025-124110 Child health and disability prevention programs

CODE OF REGULATIONS, TITLE 5

202

APPROVED: July 1, 2004

REVISED:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5112.2

REGULATIONS REGARDING EXCLUSION FROM ATTENDANCE

Students may be excluded from attendance at Butte County Office of Education schools if they:

1. Are under the legal age of attendance, except as otherwise provided by law.
2. Do not present evidence of immunization from certain infectious diseases as required by law. Such a student shall not be excluded, however, if the parent/guardian, in writing, requests exemption from the immunization requirement on the basis of the student's physical condition or a conflict with the parent/guardian's religious beliefs.
3. Are reasonably suspected of having active tuberculosis.
4. Reside where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed, unless written permission of the health officer is provided.
5. Have not had a health screening, specified in Health and Safety Code 124040, before or within the first 90 days of attending first grade. Such students may be excluded for up to five days unless the parent/guardian has presented an appropriate waiver or the Butte County Office of Education has exempted the student from this requirement in accordance with law.
6. Are infected with any contagious or infectious diseases.

The County Superintendent shall periodically review decisions to exclude students of filthy or vicious habits or suffering from contagious or infectious diseases.

Homeless children under the McKinney-Vinto Law have the right to enroll immediately even without required documents.

Notifications to Parents/Guardians

Prior to excluding a student from attendance, the County Superintendent or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion.

The County Superintendent or designee may exclude a student without prior notice to the parent/guardian if the student is excluded because:

1. He/she resides in an area subject to quarantine pursuant to Health and Safety Code § 120230;
2. He/she is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code § 49451;
3. The County Superintendent or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.

However, in such cases, the County Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion.

APPROVED: July, 2005

REVISED:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5113

ABSENCES AND EXCUSES

The County Superintendent believes that regular attendance plays an important role in student achievement. The County Superintendent or designee shall work with parents/guardians and students to ensure their compliance with all state attendance laws, and may use appropriate legal means to correct problems of chronic absence or truancy.

Excused Absences

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as permitted by law, Butte County Office of Education Superintendent's Policy, and Administrative Regulations.

Class participation is an integral part of students' learning experiences and parents/guardians and students shall be encouraged to schedule medical appointments during non-school hours.

At the beginning of each school year, the County Superintendent or designee shall send a notification to the parents/guardians of all students, and to all students in grades 7-12, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian.

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

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and Butte County Office of Education Superintendent's Policy and Administrative Regulations.

Effect of Absence on Grades/Credits

If a student's absence is excused under law he/she shall be allowed to complete any missed assignment or test that can be reasonably given, as determined by the teacher of that class. The student shall be given full credit for the assignment or test if he/she satisfactorily completes the assignment or test within a reasonable period of time. A student's grades may be affected by excessive unexcused absences.

Legal Reference:

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

2550-2558.6 Computation of revenue limits

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

42238-42250.1 Apportionments

46000 Records (attendance)

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

46010-46014 Absences

46100-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

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

48210-48216 Exclusions from attendance

48240-48246 Supervisors of attendance

48260-48273 Truants

48292 Filing complaint against parent

48320-48324 School attendance review boards

48340-48341 Improvement of student attendance

49067 Unexcused absences as cause of failing grade

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

ELECTIONS CODE

12302 Student participation on precinct boards

FAMILY CODE

6920-6929 Consent by minor

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

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

ATTORNEY GENERAL OPTIONS

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

66 Ops.Cal.Atty.Gen. 244 (1983)

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BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5113

REGULATIONS REGARDING ABSENCES AND EXCUSES

Excused Absences

A student's absence shall be excused for the following reasons:

1. Personal illness
2. Quarantine under the direction of a county or city health officer
3. Medical, dental, optometric, or chiropractic appointment
4. Attendance at funeral services for a member of the immediate family, which shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state
Immediate family shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister, or any relative living in the student's immediate household.
5. Jury duty in the manner provided by law
6. The illness or medical appointment during school hours of a child to whom the student is the custodial parent
7. Upon advance written request by the parent/guardian and the approval of the Principal or designee, justifiable personal reasons including, but not limited to:
 - a. Appearance in court
 - b. Attendance at a funeral service
 - c. Observation of a holiday or ceremony of his/her religion
 - d. Attendance at religious retreats not to exceed four hours per semester
 - e. Attendance at an employment conference
 - f. Attendance at an educational conference offered by a non-profit organization on the legislative or judicial process
8. Service as a member of a precinct board for an election
9. To spend time with his/her immediate family member who is an active duty member of the uniformed services, as defined by law, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment
10. Participation in religious exercises or to receive moral and religious instruction in accordance with Butte County Office of Education Policy and Administrative Regulations
 - a. In such instances, the student shall attend at least the minimum school day.
 - b. The student shall be excused for this purpose on no more than four days per school month.

Method of Verification

When a student who has been absent returns to school, he/she shall present a satisfactory explanation verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having control of the minor, or the student if age 18 or older.

The following methods may be used to verify student absences:

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

1. Written note, fax, email, or voice mail from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
 - a. Name of student
 - b. Name of parent/guardian or parent representative
 - c. Name of verifying employee
 - d. Date(s) of absence
 - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in item #2 above.
4. Physician's verification
 - a. When excusing students for confidential medical services or verifying such appointments, Butte County Office of Education staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
 - b. When a student has had 14 absences in the school year for illness verified by methods listed in #1-3 above, any further absences for illness shall be verified by a physician.

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BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5113.1

TRUANCY

To improve student attendance, Principals shall implement positive steps to identify the reasons for student's unexcused absences and to help resolve the problems caused by truancy. Such strategies shall focus on early intervention and may include, but not be limited to, communication with parents/guardians and the use of student study teams.

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

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

For purposes of California's welfare system (CalWORKS), a student shall be determined to be regularly attending school unless he/she has been referred to one of the programs listed above.

Legal Reference:

EDUCATION CODE

1090-1097 Prohibitions applicable to specified officers

1125-1128 Incompatible activities; § 82020 Definitions "Income"

82028 Definitions "Gift"

82033 Definitions "Interest in real property"

82034 Definitions "Investment"

87100 - 87500 Conflicts of interest

87200 - 87210 Disclosure

87399 - 87413 Conflict of interest codes

91000 - 91015 Enforcement

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BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5113.1

REGULATIONS REGARDING TRUANCY

Strategies for Addressing Truancy

The following steps shall be implemented based on the number of trancies committed by the student:

1. Students shall be classified as truant if absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. Such students shall be reported to the Principal.

The parent/guardian of a student classified as a truant shall be notified of the following:

- a. The student is truant.
- b. The parent/guardian is obligated to compel the student to attend school.
- c. The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
- d. Alternative educational programs are available.
- e. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
- f. The student may be subject to arrest by a probation officer, a peace officer, a school administrator, an attendance supervisor or his/her designee under Education Code 48264 if found away from home and absent from school without a valid excuse.
- g. The student may be subject to suspension, restriction or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.
- h. It is an option that the parent/guardian accompany the student to school and attend classes with the student for one day.

Upon his/her first truancy, a student may be given a written warning. A record of this warning may be kept at school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school.

The Principal may notify the district attorney and/or probation officer of the name of each student who has been classified as a truant, the name and address of the student's parents/guardians, and whether the student continues to be classified as a truant after the parents have been notified in accordance with #a-h above.

2. Any student who has once been reported as a truant shall again be reported to the Principal as a truant if he/she is absent from school without valid excuse one or more days or is tardy for one or more days.

Upon his/her second truancy within the same school year, a student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #4 below.

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

3. Upon student's first or second truancy within the same school year, the Principal shall make every effort to hold at least one conference with the student and parent/guardian and may discuss resources available for achieving regular school attendance, which may include but not be limited to:
 - a. Program changes;
 - b. Referral of family to community agency;
 - c. Referral to school psychologist or student study team;
 - d. Modified day;
 - e. Independent study;
 - f. Work-experience education;
 - g. Alternative education;
 - h. Referral for health checkup, medical examination.
4. Upon his/her third truancy within the same school year, a student shall be classified as a habitual truant.

Students who are habitual truants, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance review board, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the attendance supervisor. Upon making a referral, the Principal shall provide the student and parent/guardian, in writing, the name and address of the school attendance review board, the truancy mediation program, or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the school staff person making the referral, to meet with the school attendance review board, truancy mediation staff or probation officer to consider a proper disposition of the referral.
5. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #7 below.
6. If the County Superintendent or designee determines that available community services can not resolve the problem of the truant or insubordinate student or if the student and/or student's parents/guardians have failed to respond to the directives of the Butte County Office of Education or to services provided, the County Superintendent or designee may so notify the county district attorney and/or the probation officer, if the district attorney or probation officer has elected to participate in truancy mediation program.
7. Upon his/her fourth truancy within the same school year, the student shall be within the jurisdiction of the juvenile court.

If a student has been judged by the county juvenile court to be a habitual truant, the County Superintendent or designee shall inform the juvenile court and the student's probation or parole officer whenever that student is truant one or more days or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be so notified within 10 days of the violation.

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Reports

The Principals shall gather and transmit to the County Superintendent and the attendance supervisor the number of referrals and types of referrals made to the school attendance review board and the number of requests for petitions made to the juvenile court.

Approved: October, 2008

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5113.2

WORK PERMITS

The Butte County Office of Education recognizes that part-time jobs can provide students with income, work experience, and enhanced self-esteem. In accordance with law, students shall obtain work permits from school authorities before accepting employment.

In determining whether to grant a work permit, the County Superintendent or designee shall consider whether employment will significantly interfere with the student's schoolwork or jeopardize his/her health. Students granted work permits must demonstrate and maintain satisfactory grades.

Work permits for students who are ages 14-17 shall be limited to part-time employment as defined by law and administrative regulation, except when the County Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Students with work permits may be exempted from attendance in a full-time day school provided they attend part-time classes. Students granted permits for full-time employment shall be enrolled in part-time classes.

Legal Reference:

EDUCATION CODE

48230 Exemption from full-time school attendance for students with work permits

48231 Exemption from compulsory attendance for students entering attendance area near end of term

49110-49119 Permits to work

49130-49135 Permits to work full time

49140-49141 Exceptions

49160-49165 Employment of minors; duties of employers

49180-49183 Violations

LABOR CODE

1285-1312 Employment of minors

1391-1394 Working hours for minors;

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Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5113.2

REGULATIONS REGARDING WORK PERMITS

Before accepting employment, a student under the age of 18 who is subject to the state's compulsory attendance law, including students who have not yet graduated from high school or have not received a certificate of proficiency, shall obtain a work permit.

Butte County Office of Education may issue a permit authorizing employment while school is in session, including employment connected with a work experience education program pursuant to a minor student age 14-17. Butte County Office of Education may also issue a permit to any minor age 12-17 to be employed during a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance because he/she arrived from another state within 10 days before the end of the school term.

If a minor has obtained an offer of employment in the entertainment industry, he/she shall request a work permit from the California Department of Industrial Relations, Division of Labor Standards Enforcement.

A student shall not be required to obtain a work permit if he/she is self-employed; is working at odd jobs such as yard work and babysitting in private homes where he/she is not regularly employed; is a self-employed news carrier delivering newspapers to consumers on a regular route; is employed by his/her parent/guardian in domestic labor on or in connection with premises the parent/guardian owns, operates, or controls; or is otherwise exempted by law.

Persons Authorized to Issue Work Permits

The following individuals are authorized to issue a work permit to a minor student in the district:

1. The Superintendent
2. An employee holding a services credential with a specialization in pupil personnel services or a certificated work experience education teacher or coordinator, when authorized by the Superintendent in writing
3. A principal, or another school administrator designated by the principal, provided that he/she:
 - a. Provides a self-certification that he/she understands the requirements of law for issuing a work permit
 - b. Does not issue a work permit to his/her own child

If the person designated to issue work permits is not available and delay in issuing a permit would jeopardize a student's ability to secure work, the Superintendent may authorize another person to issue the permit.

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Approval Process

The student's parent/guardian, foster parent, caregiver with whom the student resides, or residential shelter services provider shall file a written request for a work permit.

The request for a work permit shall be submitted to the Superintendent or designee on a form approved by the California Department of Education (CDE). The Superintendent or designee shall have discretion to determine whether or not to issue the work permit.

In determining whether to approve a work permit, the Superintendent or designee shall verify the student's date of birth, the type of work permit to be issued, and whether the student meets any other criteria established by the Governing Board. The Superintendent or designee may inspect the student's records and/or may confer with at least one of the student's teachers for evidence of satisfactory grades and school attendance and to determine whether the student possesses the motivation and maturity to maintain academic progress while working.

Minors shall not be approved to work in environments declared hazardous or dangerous for young workers or otherwise prohibited by child labor laws.

The County Superintendent or designee shall ensure that the requested work hours do not exceed the maximum work hours specified in law based on the student's age and whether the employment will occur while school is in session and/or not in session. Full-time employment may be authorized for students age 14-17 only in accordance with Education Code 49130-49135. All work permits shall be issued in a format approved and authorized by the California Department of Education.

Each permit shall authorize work for a specific employer. Whenever a student changes employers, he/she shall request a new permit.

The student may be issued more than one work permit if he/she works concurrently for more than one employer, provided that the total number of hours worked does not exceed the total number of hours allowed by law and the district.

Whenever a work permit is issued by a principal or other designated school administrator, the principal or designee shall submit to the Superintendent a copy of each work permit he/she issues, along with a copy of the application.

The County Superintendent or designee shall periodically inspect the grades and attendance records of students granted work permits to ensure maintenance of academic progress and any additional criteria established in Board policy.

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Expiration of Work Permits

Work permits issued during the school year shall expire five days after the opening of the next succeeding school year. Before the work permit expires, a student may apply for a renewed work permit in accordance with the procedures specified in the section "Approval Process" above.

Revocation of Work Permits

The Superintendent or designee shall revoke a student's work permit whenever he/she determines that employment is interfering with the student's education, that any provision or condition of the permit is being violated, or that the student is performing work in violation of law.

The Superintendent may revoke a work permit issued by a principal of a public or private school located within the district if the Superintendent becomes aware of any grounds upon which the student may be deemed ineligible for a work permit under law.

Retention of Records

The Superintendent or designee shall retain a copy of the work permit application and the work permit until the end of the fourth year after the work permit was issued.

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Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5119

STUDENTS EXPELLED FROM OTHER DISTRICTS

In order to prohibit the enrollment of a potentially dangerous student, the Butte County Office of Education may hold a hearing before admitting any student expelled from another district.

Students enrolled in the Butte County Office of Education programs who have been expelled from other districts may be returned to the district of residence if the program Assistant Superintendent determines that the continuing presence of the student represents a danger to the student or others. If this action is taken, the Assistant Superintendent or designee shall notify the district of residence and the County Superintendent.

Legal Reference:

EDUCATION CODE

46600 Agreements for interdistrict attendance

46602 Failure to approve interdistrict attendance; expulsion prohibiting appeal

48915 Expulsion; specific circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

Approved: July, 2004

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5121

GRADES / EVALUATION OF STUDENT ACHIEVEMENT

The County Superintendent believes that grades serve a valuable instructional purpose by helping students and parents/guardians identify the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level, not in relation to the work of other students in one particular class. The County Superintendent or designee shall establish and regularly evaluate a uniform grading system, and Principals shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and objectives. Students shall have the opportunity to demonstrate this mastery through a variety of channels such as classroom participation, homework, tests and portfolios.

When reporting student grades to parents/guardians, teachers may add narrative descriptions, observational notes and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

Legal Reference:

EDUCATION CODE

48070 Promotion and retention

48431.6 Individualized review

49066 Grades

49067 Pupil attendance regulations

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Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5121

REGULATIONS REGARDING GRADES / EVALUATION OF STUDENT ACHIEVEMENT

1. If a student misses class without an excuse and does not subsequently turn in homework, take a test or fulfill another class requirement, which he/she missed, the teacher may lower the student's grade for nonperformance. Students with excessive unexcused absences (6 absences per semester) may be given a failing grade and not receive credit for the class(es). Schools which withhold class credit for this reason shall so inform the class and parents/guardians at the beginning of the semester or year.
2. Written report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parent/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.
3. Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report.
4. An incomplete is given only when a student's work is not finished because of illness or other excused absence. If not made up within one week, the incomplete will become an F.
5. Teachers are encouraged to allow for trends in the quality of student work. When a student finishes a grading period doing high quality work which requires skills acquired throughout the grading period, low grades at the beginning of the grading period need not diminish the appropriate evaluation of the student's achievement. Similarly, high grades at the beginning need not compensate for a downward trend in achievement.
6. No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel.
7. Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests.
8. Students in grades 7 through 12 must earn at least a 2.0 or C grade point average in order to participate in extra/co-curricular activities.

Pass/Fail Grades

With parental approval, students may elect to earn a "Pass" or "Fail" grade instead of an A-F grade in the following courses:

1. All courses taken in the Alternative Education Program; or
2. All courses taken in the Special Education Program; or
3. 9-12th grade non-college preparatory courses taken in summer school.

Students who receive a "Pass" grade will acquire the appropriate semester units of credit for the course, and the grade will not be counted in determining class rank or honors. Students who receive a "Fail" grade will not receive credit for taking the course.

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Students shall be graded Pass/Fail for classes in which they serve as student aides unless predetermined goals and objectives related to specific subject knowledge are on file and have been approved by the Principal or designee.

Repeated Classes

With the approval of the Principal or designee, a student may repeat a course in order to raise his/her grade. The student shall receive credit only for taking the course once.

Students with Disabilities

Eligible students with disabilities shall have annual reviews of student achievement in accordance with federal and state laws. The Assistant Superintendent shall establish and evaluate the program progress and grading systems. The Assistant Superintendent shall ensure that student grades and progress reports conform to this system.

Effect of Absences on Grades

Teachers who withhold class credit because of excessive unexcused absences shall so inform students and parents/guardians at the beginning of the school year or semester. When a student reaches the number of unexcused absences defined as excessive in the Butte County Office of Education Superintendent's Policy, the student and parent/guardian shall again be notified of Butte County Office of Education Superintendent's Policy regarding excessive unexcused absences.

The student and parent/guardian shall have a reasonable opportunity to explain the absences. If a student receives a failing grade because of excessive unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences.

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances:

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school
2. A verified court appearance or related court-ordered activity

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BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5123

PROMOTION / ACCELERATION / RETENTION

The County Superintendent expects students to progress through each grade within one school year. To accomplish this, instruction should accommodate the variety of ways that students learn and includes strategies for addressing academic deficiencies when needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

Progress toward high school graduation shall be based on the student's ability to pass the subjects and electives necessary to earn the required number of credits.

When high academic achievement is evident, the Principal may recommend a student for acceleration into a higher-grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

As early as possible in the school year and in the students' school careers, the Principal shall identify students who should be retained or who are at risk of being retained in accordance with law, Butte County Office of Education Superintendent's Policy and Administrative Regulations and the following criteria:

1. Student shall be identified on the basis of grades. The following other indicators of academic achievement may also be used:
 - a. School assessments;
 - b. California State testing results;
 - c. Portfolios;
 - d. Student attendance; and
 - e. Other performance measures.

When a student is recommended for retention or is identified as being at risk for retention, the Principal shall provide opportunities for remedial instruction to assist the student in overcoming his/her academic deficiencies. Such opportunities may include but are not limited to tutorial programs, after-school programs, summer school programs and/or the establishment of a student study team.

Legal References:

EDUCATION CODE

37252-37253 Supplemental instruction programs

46300 work experience

48011 First grade age exception

48070-48070.5 Promotion and retention

48431.6 Individualized review

56345 Individualized education program

BUTTE COUNTY OFFICE OF EDUCATION
SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

60641-60647 STAR

60648 Levels of pupil performance

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200-202

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BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5123

REGULATIONS REGARDING PROMOTION / ACCELERATION / RETENTION

Acceleration from Kindergarten to First Grade

A student enrolled in kindergarten may be admitted to the first grade at the discretion of the Principal and with the consent of the parent/guardian, upon determination that the child is ready for first-grade work.

Admission shall be subject to the following minimum criteria:

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the school approving the placement in first grade.

Continuation in Kindergarten

Students who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Principal agree that the student shall continue in kindergarten for not more than one additional school year.

Whenever a student continues in kindergarten for an additional year, the Principal shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year.

Retention at Other Grade Levels

The Principal shall identify students who should be retained or who are at risk of being retained at the following grade levels:

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5
4. Between grades 6 and 7
5. Between grades 8 and 9

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades.

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Students shall be identified on the basis of either assessment results or grades and other indicators of academic achievement, as established by the Butte County Office of Education Superintendent's Policy and Administrative Regulations.

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement.

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the Principal before any final determination of retention or promotion.

If the student does not have a single regular classroom teacher, the Principal or designee shall specify the teacher(s) responsible for the decision to promote or retain the student.

When a student is identified as being at risk of retention, the Principal shall so notify the student's parents/guardians as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student.

The teacher's decision to promote or retain a student may be appealed consistent with the Butte County Office of Education Superintendent's Policy and Administrative Regulations and law. The burden shall be on the appealing party to show why the teacher's decision should be overruled.

To appeal a teacher's decision, the appealing party shall submit a written request to the department Assistant Superintendent or designee specifying the reasons why the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion. The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the department Assistant Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Assistant Superintendent or designee may meet with the appealing party and the teacher. If the Assistant Superintendent or designee determines that the appealing party has

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overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Assistant Superintendent or designee's determination may be appealed by submitting a written appeal to the County Superintendent within 15 school days. Within 30 days of receipt of a written appeal, the County Superintendent shall decide the appeal. The County Superintendent's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the County Superintendent; the County Superintendent may also meet with the appealing party, the teacher and the Assistant Superintendent/designee to decide the appeal. The decision of the County Superintendent shall be final. If the decision of the County Superintendent is unfavorable to the appealing party, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

With the parent's/guardian's consent, the Principal may require a student who has been recommended for retention or has been identified as being at risk of retention to participate in a supplemental instructional program. Such programs shall be offered during the summer, after school, on Saturdays and/or during intersessions. Services shall not be provided during the regular instructional day if it would result in the student being removed from classroom instruction in the core curriculum.

These services shall be provided to students in the following priority order:

1. Students who have been recommended for retention or who have been identified as being at risk of retention.
2. Students who have been identified as having a deficiency in mathematics, reading or written expression based on the results of the tests administered under the California State testing program.

This supplemental instruction program shall be developed in accordance with the requirements of the law.

Special Populations

With regard to special education students, the determination as to the appropriate standards for promotion or retention shall be made part of the IEP process.

Decisions regarding the promotion or retention of English Language Learners require special considerations. It is inappropriate to retain English Language Learners who have failed to meet academic standards in areas in which they have only been provided limited instruction. English Learners can be identified as being at risk of retention based on challenges they face in acquiring proficiency and mastering subject area content in English. English Language Learners determined to be at risk will be provided with supplemental instruction designed to meet their needs.

Approved: July, 2004

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

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SP 5125

STUDENT RECORDS

The County Superintendent recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The County Superintendent or designee shall establish regulations governing the identification, retention, and security of student records. These regulations shall ensure the rights of authorized persons to have timely access to student records and shall protect students and their families from invasion of privacy.

The County Superintendent or designee shall designate a certificated employee to serve as custodian of records with responsibility for student records. At each school, the Principal or certificated designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing the Butte County Office of Education Administrative Regulations regarding student records.

The County Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code and other applicable state and federal laws.

Legal Reference:

EDUCATION CODE

17604 Contracts

48201 Student records for transfer students who have been suspended/expelled

48853.5 Foster youth; placement, immunizations

48902 Notification of law enforcement of specified violations

48904-48904.3 Withholding grades, diplomas, or transcripts

48918 Rules governing expulsion procedures

48980 Parental notifications

48985 Notices in parent/guardian's primary language

49060-49079 Student records

49091.14 Parental review of curriculum

51747 Independent study

56041.5 Rights of students with disabilities

56050 Surrogate parents

56055 Foster parents; §Cal Grant program; notification of grade point average

BUSINESS AND PROFESSIONS CODE

22580-22582 Digital privacy

22584-22585 Student Online Personal Information Protection Act

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CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

FAMILY CODE

3025 Access to records by noncustodial parents

6552 Caregiver's authorization affidavit

GOVERNMENT CODE

6252-6260 Inspection of public records

HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

PENAL CODE

245 Assault with deadly weapon

WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

701 Juvenile court law

16010 Health and education records of a minor

CODE OF REGULATIONS, TITLE 5

430-438 Individual student records

16020-16027 Destruction of records of school districts

UNITED STATE CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of Pupil Rights Amendment

UNITED STATES CODE, TITLE 26

152 Definition of dependent child

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

CODE OF FEDERAL REGULATIONS, TITLE 16

Part 312 Children's Online Privacy Protection Rule

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

300.501 Opportunity to examine records for parents of student with disability

Approved: June, 2015

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

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AR 5125

REGULATIONS REGARDING STUDENT RECORDS

Definitions

Student means any individual who is or has been in attendance at a Butte County Office of Education school and regarding whom Butte County Office of Education maintains student records.

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.

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

Student records do not include:

1. 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 Butte County Office of Education
4. Records created or received by Butte County Office of Education after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student
5. Grades on peer-graded papers before they are collected and recorded by a teacher

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

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

Permitted student records are those records having clear importance only to the current educational process of the student.

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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.

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

Personally identifiable information includes, but is not limited to:

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 Butte County Office of Education 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.

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent.

Legitimate educational interest is an interest held by school official, employee, contractor, or consultant whose duties and responsibilities, or contractual obligations to the Butte County Office of Education, 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 Butte County Office of Education, 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 Butte County Office of Education regarding the provision of services or functions outsourced to him/her by Butte County Office of Education. Contractor or consultant shall not include a volunteer or other party.

Custodian of records is the employee responsible for the security of student records maintained

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by Butte County Office of Education and for devising procedures for assuring that access to such records is limited to authorized persons.

County placing agency means the county social service department or county probation department.

Persons Granted Absolute Access

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

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent
2. An adult student age 18 years or older, 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
3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law

Access for Limited Purpose/Legitimate Educational Interest

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

1. Parents/guardians of a dependent child age 18 or older
2. Students who are age 16 or older or who have completed the 10th grade
3. School officials and employees, consistent with definition provided in the section "Definitions" above
4. Members of a school attendance review board (SARB) and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student
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.
Unless the annual parent/guardian notification issued pursuant to Education Code includes a statement that Butte County Office of Education 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 County 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.
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

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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.

No later than October 15 each year, the County 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 be not less than 30 days.

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 County Superintendent or designee obtains permission from the student's parent/guardian, or from the adult student, to submit the social security number.

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.
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.
9. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena
Unless otherwise instructed by the court, the County 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.
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
11. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws
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 specified evidentiary rules
When disclosing records for these purposes, the County Superintendent or designee shall obtain written certification from the recipient of the record(s) that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law.
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 hearing
In such cases, the judge or probation officer shall certify in writing to the County Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the County

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- Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours.
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 Butte County Office of Education
 15. A student age 14 years or older who is both a homeless student and an unaccompanied minor
 16. An individual who completes items 1-4 of the caregiver's authorization affidavit pursuant to Family Code and signed the affidavit for the purpose of enrolling a minor in school
 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
 18. Appropriate law enforcement authorities, in circumstances where it is required that Butte County Office of Education provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating the Penal Code
When disclosing such records, the County Superintendent or designee shall obtain written certification by the recipient of the record(s)
 19. Designated peace officers or law enforcement agencies in cases where Butte County Office of Education 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 Butte County Office of Education, 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

In such cases, the County 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 a public school district or California private school.

When disclosing records for the above purposes, the County 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.

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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.

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

Discretionary Access

At his/her discretion, the County 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
When releasing information to any such appropriate person, the County 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.
2. Accrediting associations
3. Organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that:
 - a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.
 - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
 - c. Butte County Office of Education enters into a written agreement with the organization
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll
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.
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 Butte County Office of Education, excluding volunteers or other parties
7. Agencies or organizations in connection with the student's application for or receipt of financial aid, provided that information permitting the personal identification of a student or his/her parents/guardians for these purposes is disclosed only as may be necessary to determine the eligibility of the student for financial aid, determine the amount of financial aid, determine the conditions which will be imposed regarding the financial aid, or enforce the terms or conditions of the financial aid

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8. County elections officials for the purpose of identifying students eligible to register to vote or offering such students an opportunity to register, under the condition that any information provided on this basis shall not be used for any other purpose or transferred to any other person or agency

When disclosing records for the above purposes, the County 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 County 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 County 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.

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.

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

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.

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

When prior written consent is required by law, the parent/guardian shall provide a written, signed, and dated consent. Such consent may be given through electronic means in those cases where it can be authenticated. Butte County Office of Education's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party/parties to whom the disclosure may be made. Upon request by the parent/guardian, Butte County Office of Education shall provide him/her a copy of the records disclosed.

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. Qualified certificated personnel shall be available to interpret records when requested.

Qualified certificated personnel shall be available to interpret records when requested.

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The custodian of records or the County Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection.

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.

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.

The log does not need to include record of access by:

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 approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record
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.

Duplication of Student Records

To provide copies of any student record, Butte County Office of Education 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.

Changes to Student Records

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

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

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

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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. The following mandatory permanent student records shall be kept indefinitely:

1. Legal name of student
2. Date and place of birth and method of verifying birth date
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
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
7. Verification of or exemption from required immunizations
8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another school, shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left Butte County Office of Education schools. These records include:

1. Expulsion orders and the causes therefor
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
4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge
5. Language training records
6. Progress slips/notices required by Education Code
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
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

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including:

1. Objective counselor and/or teacher ratings

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2. Standardized test results older than three years
3. Routine disciplinary data
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.

Transfer of Student Records

If a student transfers into Butte County Office of Education schools from any school district or a private school, the County 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.

When a student transfers into Butte County Office of Education schools from a district, the County 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.

When a student transfers from a Butte County Office of Education school to a school district or to a private school, the County Superintendent or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the receipt of the request by the other school. The original record or a copy shall be retained permanently by Butte County Office of Education. 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.

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

All student records shall be updated before they are transferred.

Student records shall not be withheld from the requesting school because of any charges or fees owed by the student or parent/guardian.

If Butte County Office of Education 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 school along with the student's records.

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Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the County Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, Butte County Office of Education shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students with disabilities.

The notice shall include:

1. The types of student records kept by Butte County Office of Education 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. Butte County Office of Education criteria for defining school officials and employees and for determining legitimate educational interest
5. Butte County Office of Education 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
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 containing the titles, descriptions, and instructional aims of every course offered by the school
12. Any other rights and requirements, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure to comply by Butte County Office of Education
13. A statement that Butte County Office of Education 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

Approved: June, 2015

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5125.1

RELEASE OF DIRECTORY INFORMATION

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

1. Name
2. Address
3. Telephone number
4. Email address
5. Date and place 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

The County Superintendent or designee may authorize the release of student directory information to representatives of the news media, prospective employers, or nonprofit organizations as provided by law. Unless prohibited by the parent/guardian in accordance with law, directory information which school officials may disclose consists of the following: student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of athletic team members, dates of attendance, degrees and awards received, and most recent previous school attended.

Colleges and prospective employers, including military recruiters, shall have access to directory information. Military recruiters shall have access to a student's name, address, and telephone number, unless the parent/guardian has specified that the information not be released in accordance with law.

At the beginning of each school year, all parents/guardians shall be notified as to what categories of directory information the school or Butte County Office of Education plan to release, and to whom. 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.

Based on its determination of the best interest of the student, the school may limit or deny the release of specific directory information to any public or private nonprofit organization.

BUTTE COUNTY OFFICE OF EDUCATION SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

The County Superintendent or designee shall notify parents/guardians that they may request that Butte County Office of Education schools not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. Directory information shall not be released regarding any student whose parent/guardian notifies Butte County Office of Education schools in writing that such information not be disclosed without the parent/guardian prior consent.

Under no circumstances shall directory information be disclosed to a private profit-making entity other than employers, prospective employers, and representatives of the news media. Private schools and colleges may be given the names and addresses of 12th grade students and students who are no longer enrolled provided they use this information only for purposes directly related to their institution's academic or professional goals.

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Parental rights

49073 Directory information

49073.5 Military service access

49603 Military service employer access

Approved: March, 2009

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5125.1

REGULATIONS REGARDING RELEASE OF DIRECTORY INFORMATION

Definition

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

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

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.

Notification to Parents/Guardians

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information Butte County Office of Education plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let Butte County Office of Education designate any or all types of information as directory information and the period of time within which a parent/guardian must notify Butte County Office of Education in writing that he/she does not want a certain category of information designated as directory information.

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

BUTTE COUNTY OFFICE OF EDUCATION SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Parent/Guardian Consent

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

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

Approved: November, 2011

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5125.2

WITHHOLDING GRADES, DIPLOMA OR TRANSCRIPTS

The Butte County Office of Education shall withhold grades, diploma or transcripts from any student when school property has been willfully damaged or not returned upon demand, the Principal or designee shall inform the parent/guardian in writing of the responsible student's alleged misconduct and the reparation that may be due.

This notice shall include a statement that the school may withhold grades, diploma or transcripts from the student and parent/guardian until reparation is made.

If reparation is not made, the Butte County Office of Education shall afford the student his/her due process rights in conformance with Education Code procedures and may withhold the student's grades, diploma or transcripts.

If the student and parent/guardian are unable to pay for the damages or return the property, the Principal or designee shall provide a program of voluntary work for the student to do. When this voluntary work is completed, the student's grades, diploma or transcripts shall be released.

When a student from whom the Butte County Office of Education is withholding grades, diploma or transcripts transfers to a district, this information shall be sent to the new district with the student's records and a request that these items continue to be withheld until the new district receives notification that the debt has been cleared.

The County Superintendent or designee shall notify the parent/guardian in writing that the Butte County Office of Education's decision to withhold grades, diploma or transcript will be enforced by the new district.

The Butte County Office of Education shall withhold grades, diploma or transcripts from any student transferring into the Butte County Office of Education whose misconduct caused a previous district to withhold them. When informed by the previous district that its decision has been rescinded, the Butte County Office of Education shall release these documents.

Legal Reference:

EDUCATION CODE

48904 Parent guardian responsibility

48904.3 Withholding of grades

48911 suspension

Approved: July, 2004

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5125.3

CHALLENGING STUDENT RECORDS

Following inspection and review, the parent/guardian may challenge the content of any student record. The right to challenge becomes the right of the student when the student becomes 18 years or attends a post-secondary institution.

The parent/guardian may file with the Assistant Superintendent or designee a written request to correct or remove from her/his child's records any information concerning the child, which is alleged to be:

- 1 Inaccurate;
- 2 Misleading;
- 3 An unsubstantiated personal conclusion or inference;
- 4 A conclusion or inference outside of the observer's area of competence;
- 5 In violation of the privacy or other rights of the pupil;
- 6 Not based on the personal observation of a named person with the time; and
- 7 Place of the observation noted.

Within 30 days of receipt of request, the Assistant Superintendent shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. If the matter cannot be resolved, it shall be referred to the County Superintendent with a recommendation from the Assistant Superintendent. The allegation shall then be sustained or denied. If the allegations are sustained, the County Superintendent or designee shall order the correction or removal and destruction of the information.

If the allegations are denied the parent/guardian has the right to have a written statement concerning the allegations in the records.

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49066 Grades; finalization change of grade; effective of physical education class apparel

49069 Absolute right to access

49070 Challenging content of records

49071 Hearing panel to assist in making determination

Approved: July, 2004

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5127

GRADUATION CEREMONIES AND ACTIVITIES

High school graduation ceremonies may be held to recognize those students who have successfully completed the required course of study, passed all proficiency standards, and thereby earned the right to receive a diploma. The Butte County Board of Education and the County Superintendent believe that these students deserve the opportunity if they desire, to have a celebration that recognizes the significance of their achievement and encourages them to continue the pursuit of learning throughout their lives.

At the discretion of the Superintendent or designee, a student who will complete graduation requirements during the summer may participate in graduation exercises without receiving his/her diploma. When the requirements have been satisfied, a diploma shall be sent to the student.

Invocations and/or benedictions shall not be included in graduation ceremonies. Ceremonies or programs involving prayer for graduates may not be sponsored by the Butte County Office of Education.

Disciplinary Considerations

While recognizing the importance of graduation ceremonies, the Butte County Board of Education and the County Superintendent also desire to maintain high standards of student conduct and behavior. Graduation ceremonies are offered for students in good standing. The Program Administrator may deny the privilege of participating in these ceremonies in accordance with program rules and any required due process.

Legal Reference:

Education Code

35183.3 Graduation ceremonies; military dress uniforms

38119 Lease of personal property; caps and gowns

48904 Liability of parent or guardian ; withholding of grades, diplomas, transcripts

51225.5 Honorary diplomas; foreign exchange students

51410-51412 Diplomas

Approved: March, 2010

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5131

CONDUCT

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

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

The County Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with Butte County Office of Education Superintendent's Policy and Administrative Regulations. Students and parents/guardians shall be notified of school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others;
2. Conduct that disrupts the orderly classroom or school environment;
3. Harassment or bullying of students or staff, including, but not limited to, cyber-bullying, intimidation, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption, in accordance with the section entitled "Bullying/Cyber-bullying" below ; Cyber-bullying includes the transmission of communications, posting of harassing messages, direct threats, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyber-bullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.
4. Damage to or theft of property belonging to students, staff, or the Butte County Office of Education;
5. Possession or use of a laser pointer, unless used for a valid instructional or other school-related purpose, including employment;
Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.
6. Use of profane, vulgar, or abusive language;
7. Plagiarism or dishonesty on school work or tests;
8. Inappropriate attire;
9. Tardiness or unexcused absence from school;
10. Failure to remain on school premises in accordance with school rules;

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

11. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs.

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

Students who violate school rules may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of the privilege of participation in extracurricular or co-curricular activities in accordance with Butte County Office of Education Superintendent's Policy and Administrative Regulations. The County Superintendent or designee shall notify local law enforcement as appropriate.

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during non-school hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Possession/Use of Cellular Phones and Other Mobile Communications Devices

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

Students may possess or use on school campus personal electronic signaling devices including, but not limited to, pagers and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptop computers, provided that such devices do not disrupt the educational program or school activity and are not used for illegal or unethical activities such as cheating on assignments or tests.

If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If the school employee finds it necessary to confiscate the device, he/she shall return it at the end of the class period or school day.

In accordance with Butte County Office of Education Superintendent's Policy and Administrative Regulations, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures.

Bullying/Cyber-bullying

The County Superintendent desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten Butte County Office of Education property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, the Principal, or other employee so that the matter may be investigated.

Bullying/Cyberbullying

Any student who engages in cyber-bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with Butte County Office of Education Superintendent's Policy and Administrative Regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the County Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32261 Bullying

35181 Governing board policy on responsibilities of students

35291 -35291.5 Rules

44807 Duty concerning conduct of students

48900-48926 Suspension or expulsion, especially

48908 Duties of students

51512 Prohibition use of electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23124 Use of cellular phones provisional license holders

BUTTE COUNTY OFFICE OF EDUCATION SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

Approved: March, 2010

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5131.1

BUS CONDUCT

In order to help ensure the safety and well-being of students, bus drivers, and others, Butte County Office of Education expects students to exhibit appropriate and orderly conduct at all times when using school transportation, including while preparing to ride, riding, or leaving the bus.

The County Superintendent or designee shall establish regulations related to student conduct on buses, bus driver authority, and the suspension of riding privileges. The County Superintendent or designee shall make these rules available to parents/guardians, students, and other interested parties.

Students found to be in violation of Butte County Office of Education bus conduct rules shall be subject to discipline in accordance with Butte County Office of Education Superintendent's Policies and Administrative Regulations.

The County Superintendent or designee may deny a student the privilege of using school transportation upon the student's continued disorderly conduct or his/her persistent refusal to submit to the authority of the driver.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

39800 Transportation

39839 Transportation of guide dogs, signal dogs, service dogs

44808 Duty to supervise conduct of students

48900 Grounds for suspension and expulsion

48918 Expulsion procedures

49060-49079 Student records

49073-49079 Privacy of student records

GOVERNMENT CODE

6253-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE of Federal Regulations, Title 34

99.1-99.67 Family Educational Rights and Privacy

Approved: July, 2008

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5131.1

REGULATIONS REGARDING BUS CONDUCT

The following rules apply at all times when students are riding a school bus, including when on school activity trips:

1. Riders shall follow the instructions and directions of the bus driver at all times.
2. Riders should arrive at their designated bus stop on time and stand in a safe place at the stop to wait quietly for the bus.
3. Riders shall enter the bus in an orderly manner and go directly to their seats.
4. Riders shall sit down and fasten any passenger restraint systems. Riders shall remain seated while the bus is in motion.
5. Riders shall not block the aisle or emergency exit with their body or personal belongings. Riders may bring large or bulky items, such as class projects or musical instruments, on the bus only if the item does not displace any other rider or obstruct the driver's vision.
6. Riders should be courteous to the driver and to fellow passengers. Vulgarity, rude, or abusive behavior is prohibited.
7. Any noise or behavior that could distract the driver, such as loud talking, scuffling or fighting, throwing objects, or standing or changing seats, is prohibited and may lead to suspension of riding privileges.
8. Riders shall not use tobacco products, eat, or drink while riding the bus.
9. Riders may bring electronic devices onto the bus only if such devices are permitted at school. If the use of cellular telephones or similar devices disrupts the safe operation of the school bus, the bus driver may direct the student to no longer use the device on the bus.
10. Riders shall not put any part of the body out of the window nor throw any item from the bus.
11. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.
12. Service animals are permitted on school transportation services; all other animals are prohibited.
13. Upon reaching their destination, riders shall remain seated until the bus comes to a complete stop and upon the signal from the driver, unfasten any restraint system, enter the aisle, and go directly to the exit.
14. Riders should be alert for traffic when leaving the bus and shall follow Butte County Office of Education's transportation safety plan when crossing the road and exiting the bus.

The driver or any passenger shall report any violation of bus rules to the Principal or designee. The Principal or designee shall notify the student's parent/guardian of the misbehavior, determine the severity of the misconduct, and take action accordingly. In instances of a severe violation or repeated offenses, the rider may be denied transportation for a period of time determined appropriate by the Principal or designee.

Bus drivers shall not deny transportation services except as directed by the Principal or designee.

Approved: July, 2008

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5131.2

STUDENT ENDANGERMENT

The administrator of a school program may exclude any student if the administrator determines that an emergency situation exists. "Emergency Situation" means a situation where it has been determined that the continued presence of the child would constitute a clear and present danger to the life, safety or health of the student, other students or Butte County Office of Education personnel.

If a student is excluded, the student's guardian shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within 36 hours, unless mutually agreed to by program administrator and parent(s), unless the student is physically unable to attend for any reason, including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the student is physically able to return to school.

A Plan of Assistance will be initiated at the conference, or reviewed if already in place, per individual student/family need. Continued program options will be reviewed at that time. Additionally, community resource persons may be included to assist the student and / or family.

Legal Reference:

EDUCATION CODE

48210-48216 age exclusions

49451 physical examinations

HEALTH AND SAFETY CODE

120230 attendance and infectious disease

Approved: July, 2004

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5131.5

VANDALISM, THEFT AND GRAFFITI

The County Superintendent desires to enhance student learning by striving to provide an environment where students and staff can feel safe and secure and can take pride in their school. To that end, the County Superintendent or designee shall develop strategies for preventing vandalism on school grounds, including collaborating with local law enforcement and city and county officials. Vandalism includes the negligent, willful, or unlawful damaging or theft of any Butte County Office of Education real or personal property, including the writing of graffiti.

Students and staff are encouraged to report any graffiti or vandalism to the Principal or designee for investigation. The Principal or designee shall determine whether the incident necessitates an investigation pursuant to Butte County Office of Education's sexual harassment, hate-motivated behavior, or nondiscrimination grievance procedure.

As appropriate, the Principal or designee may contact local law enforcement in instances when the graffiti is repetitive, identifies particular targets or groups, identifies the perpetrator, and/or contains incitements to violence, threats, or intimidation. Photographs or other evidence of the vandalism or graffiti shall be preserved as necessary for investigation by Butte County Office of Education or law enforcement and as evidence in any disciplinary proceedings.

The Principal or designee shall ensure that graffiti on school grounds is removed and covered as soon as possible, and if practicable before the beginning of the school day.

A student who commits an act of vandalism or graffiti on school grounds shall be subject to disciplinary action, including, but not limited to, suspension or expulsion in accordance with Butte County Office of Education Superintendent's Policy and Administrative Regulations. If reparation for damages is not made, Butte County Office of Education may also withhold the student's grades, diploma, and/or transcripts in accordance with law.

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

48904.3 Withholding of grades, diplomas, or transcripts of pupils causing property damage or injury

CIVIL CODE

51.7 Right to be free from violence

52.1 Discrimination liability

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

GOVERNMENT CODE

53069.5 Reward for information

PENAL CODE

594 Vandalism

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

594.1 Aerosol containers of paint

594.2 Intent to commit vandalism or graffiti

594.6 Vandalism or graffiti, community service

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

CODE OF REGULATIONS, TITLE 5

305 Student responsible for care of property

Approved: July, 2009

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5131.6

STUDENT SUBSTANCE ABUSE

The County Superintendent believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Butte County Office of Education desires to keep county schools free of alcohol and other drugs in order to help prevent violence, promote school safety and create a well-disciplined environment conducive to learning. Students involved in the possession, sale, and/or use of alcoholic beverages, narcotics and hallucinogenic agents shall be subject to disciplinary procedures, which may result in suspension, expulsion, and/or referral to law enforcement.

It is the policy of the County Superintendent that instructional programs shall take positive action through education, counseling, parental involvement and/or medical referral in the handling of incidents in the schools involving the possession, sale, and /or use behavior-affecting substances and drug paraphernalia as defined in the Education Code.

The Butte County Office of Education prohibits smoking or use of tobacco or nicotine products by students while on Butte County Office of Education operated sites or while attending sponsored activities while under the supervision and control of Butte County Office of Education employees.

Prescription and non-prescription drugs which a student carries onto school property for ingestion as prescribed by a physician must be in the original containers and will be kept in the school office, site administrator's office, or a secure location. Students involved in the possession, sale and/or use of behavior modifying substances shall be subject to disciplinary procedures, which may result in suspension, expulsion, and/or referral to law enforcement.

Because keeping schools free of alcohol and other drugs is a concern common to the County Superintendent and community, the County Superintendent supports cooperation among schools, parents/guardians, law enforcement, and other appropriate community organizations involved in preventing alcohol and other drug abuse.

The County Superintendent or designee shall develop, implement and evaluate a comprehensive prevention and intervention program that is coordinated with other school and community-based services and programs.

The County Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the county's program.

The County Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the county's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities.

Staff should encourage students to participate as responsible partners in efforts to maintain a safe, constructive school climate.

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Legal Reference:

EDUCATION CODE

44049 Known or suspected alcohol or drug abuse by student
44645 In-service training anabolic steroids
48900 Suspension or expulsion (grounds)
48900.5 Suspension, limitation on imposition; exception
48901 Smoking or use of tobacco prohibited
48901.5 Prohibition of electronic signaling devices
48902 Notification of law enforcement authorities; civil or criminal immunity
48909 Narcotics or other hallucinogenic drugs
48915 Expulsion; particular circumstances
49602 Confidentiality of pupil information
51202 Instruction in personal and public health and safety
51203 Instruction on alcohol, narcotics and restricted dangerous drugs
51210 Areas of study
51220 Areas of study, grades 7 to 12
51260-51269 Drug education; 60041 Instructional materials
60110-60115 Instructional materials on alcohol and drug education

BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

HEALTH AND SAFETY CODE

11032 Narcotics, restricted dangerous drugs and marijuana
11053-11058 Standards and schedules
11353.6 Juvenile Drug Trafficking and Schoolyard Act
11357 Unauthorized possession of marijuana; possession in school or on school grounds
11361.5 Destruction of arrest or conviction records
11372.7 Drug program fund; uses
11802 Joint school-community alcohol abuse primary education and prevention program
11965-11969 The School-Community Primary Prevention Program
11998-11998.3 Drug and Alcohol Abuse Master Plans
11999-11999.3 Alcohol and drug program funding; no unlawful use
124175-124200 Adolescent family life program (Department of Health Services)

PENAL CODE

13860-13864 Suppression of drug abuse in schools

VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over

WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors
828.1 Disclosure of criminal records; protection of vulnerable staff & students

Approved: July, 2005

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5131.6

REGULATIONS REGARDING STUDENT SUBSTANCE ABUSE

The County Superintendent shall provide science-based preventative instruction, which helps student avoid the use of alcohol or other drugs. Comprehensive, age-appropriate K-12 instruction shall address the legal, social, and health consequences of drug and alcohol use.

Teachers shall be trained to answer students' questions related to alcohol and drugs and to help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use of drugs or alcohol when such use is illegal.

Intervention

The County Superintendent recognizes that there may be students on campuses who use alcohol and other drugs and can benefit from intervention. The County Superintendent supports intervention programs that include the involvement of students, parents/guardians, and community agencies/organizations. Information about the signs of alcohol and other drug use and about appropriate agencies offering counseling and rehabilitation for students and their family members should be made available to students and parents/guardians. The County Superintendent believes that school personnel must be trained to identify symptoms which may indicate use of alcohol and other drugs.

Non-punitive Self-Referral

The County Superintendent strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who first disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Recovering Student Support

The County Superintendent desires to support recovering students in avoiding re-involvement with alcohol and other drugs by providing school activities and support services which enhance recovery.

Enforcement/Discipline

The County Superintendent or designee shall take appropriate action to help eliminate possession, use or sale of alcohol and other drugs, and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students. Students possessing, selling, and/or using alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures which may result in suspension, expulsion, and/or referral to law enforcement.

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

School authorities may search students and school properties for the possession of alcohol and other drugs as long as such searches are conducted in accordance with law, Butte County Office of Education's Superintendent's Policies, and Administrative Regulations.

1. Possession or use

When any student illegally uses or possesses alcohol or other drugs at school or while under school jurisdiction, the following shall result:

- a. Parent/guardian contact;
- b. One to five day suspension; or participate in a 24 hour drug education class during non-school hours;
- c. Law enforcement authority contact within one school day of the suspension;
- d. Restriction from school activities.

In addition, the following action may be taken:

- a. Recommendation of expulsion;
- b. Referral to an appropriate community-counseling program with the expectation that a least one counseling session will be held during the time of suspension;
- c. Transfer to an alternative placement.

When intervention efforts fail and the student continues to use or possess alcohol or other drugs at school or any school activity, he / she shall be expelled. The County Superintendent may suspend the expulsion and may assign the student to a school, class, or program appropriate for the student's rehabilitation.

2. Selling or Providing

When a student sells or provides alcohol or other drugs at school or while under school jurisdiction, the following shall result:

- a. Parent / guardian contact;
- b. Suspension with recommendation of expulsion;
- c. Law enforcement contact and / or probation within one school day of the suspension.

Staff shall notify the site administrator or designee immediately upon suspecting a student is selling or providing alcohol and other drugs. The site administrator or designee may notify law enforcement prior to confronting or searching the student.

A search for drugs may be made in accordance with the provisions of law, policy, and administrative regulations.

When there is good evidence that a student has actually sold or provided alcohol or other drugs or drug paraphernalia on or about the school premises or at school sponsored function, law enforcement must be notified. Law enforcement authorities will decide whether they or the school will notify the parent / guardian.

Approved: July, 2005

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5131.7

WEAPONS AND DANGEROUS INSTRUMENTS

The County Superintendent desires students and staff to be free from the fear and danger presented by firearms and other weapons. The County Superintendent therefore prohibits any person other than authorized law enforcement or security personnel from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at a school-related or school-sponsored activity away from school, or while going to or coming from school.

Unless he/she has obtained prior written permission as specified below, any student who is determined to have brought a firearm to school or possessed a firearm at school, as verified by a school employee, shall be expelled for not less than one year, except that the Board may set an earlier date for readmission on a case-by-case basis, in accordance with Board policy and administrative regulation.

Under the power granted to the County Superintendent to maintain order and discipline in the schools and to protect the safety of students, staff and the public, any school employee is authorized to confiscate a weapon, dangerous instrument or imitation firearm from any person on school grounds or at a school-related activity.

Students possessing without permission or threatening others with a weapon, dangerous instrument or imitation firearm are subject to suspension and/or expulsion in accordance with law, Butte County Office of Education Superintendent's Policy and Administrative Regulations.

The Principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other dangerous weapon or instrument, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon.

The County Superintendent recognizes that students age 16 or older may legally possess tear gas or tear gas weapons such as pepper spray for the purpose of self-defense. However, to prevent potential misuse that may harm students or staff, students are prohibited from carrying such items on campus or at school activities.

The County Superintendent encourages students to promptly report the presence of weapons, injurious objects or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The County Superintendent or designee shall facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The strategy shall also provide a method of informing staff, students and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Legal Reference:

EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions

48916 Readmission

49330-49335 Injurious objects

PENAL CODE

245 Assault with deadly weapon

417.4 Imitation firearm; drawing or exhibiting

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school or on school grounds; exception

653k Soliciting a minor to commit certain felonies

12001 Control of deadly weapons

12020-12036 Unlawful carrying and possession of concealed weapons

12220 Unauthorized possession of a machinegun

12401 Tear gas

12402 Tear gas weapon

12403.7 Weapons approved for self defense

12403.8 Minors 16 or over; tear gas and tear gas weapons

12555 Imitation firearms

UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act; especially

§ 7151 Gun-Free Schools Act; Management Resources

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5131.7

REGULATIONS REGARDING WEAPONS AND DANGEROUS INSTRUMENTS

Prohibited weapons and dangerous instruments include, but are not limited to:

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion
2. Knives, razor blades, and box cutters: any dirks, daggers, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade
3. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices
4. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun
5. Any other dangerous device, instrument, or weapon, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
6. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm
7. Ammunition or reloadable ammunition

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of Butte County Office of Education.

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the Principal immediately; or
2. Immediately notify the Principal, who shall take appropriate action; or
3. Immediately notify the local law enforcement agency and the Principal.

When informing the principal about the possession of a weapon or dangerous instrument, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of the possession. The Principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter. The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession.

Approved: November, 2011

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5131.62

USE OF TOBACCO

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

Prohibition Against Tobacco Use

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

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

These prohibitions do not apply to a student's possession or use of his/her own prescription products.

Prevention Instruction

Butte County Office of Education shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which Butte County Office of Education participates.

Intervention/Cessation Services

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

Program Planning

The County Superintendent or designee shall select anti-tobacco programs based on the model program designs identified by the California Department of Education and may modify the model to meet Butte County Office of Education needs.

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

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

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

UNITED STATES CODE, TITLE 20

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

CODE OF FEDERAL REGULATIONS, TITLE 21

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

ATTORNEY GENERAL OPINIONS

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

APPROVED: March, 2011

REVISED:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5132

DRESS AND GROOMING OF STUDENTS

The County Superintendent holds high expectations for students and believes they will present themselves in an orderly manner conducive to the advancement of education. Their appearance is expected to be neat and acceptable to the general society and in keeping with the activity at the particular program.

Students and parents/guardians shall be informed about the school dress code at the beginning of the year and when revised. A student who violates the dress code shall be subject to appropriate disciplinary action.

Students

The expression of a student's uniqueness and individuality by means of the student's dress is recognized. Restrictions on freedom of student dress will be imposed whenever the mode of dress in question is:

1. Unsafe, either for the student or those around the student;
2. Disruptive of school operations and the education process in general;
3. Contrary to law;
4. Promotes alcohol, drug, or tobacco use.

No restrictions on freedom of dress and adornment will be imposed which:

1. Reflect discrimination as to civil rights;
2. Enforce particular codes of morality or religious tenets;
3. Attempt to dictate or adjudicate style or taste.

The County Superintendent considers this to be a judgment area of the program administrator. Details and specific rules which apply shall be a site administrator's decision with the concurrence of the Assistant Superintendent.

Regional Occupational Programs / Work Experience Programs

In some cases, uniforms or shop coats may be required. Regional Occupational Cooperative work experience dress code is set by the employer while the student is on the job. Students not working on the job should strongly consider the dress codes of prospective employers.

Legal Reference:

EDUCATION CODE

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

Approved: July, 2004

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5140

WELFARE – HEALTH STANDARDS

The County Superintendent recognizes the importance of student health. It is the intent of the County Superintendent to maintain the highest level of health standards in those programs operated by the Butte County Office of Education. The County Superintendent directs that no student shall be denied the right to an education due to special health care requirements and that students are entitled to an education in the least restrictive environment.

The County Superintendent encourages employees to work cooperatively with local health agencies and officers to take the necessary measures for the prevention and control of communicable diseases, in accordance with policy.

Legal Reference:

EDUCATION CODE

44690-44691 "School Personnel" Staff development in the detection of child abuse and neglect

49400 Health and physical development of pupils

49403 Cooperation in control of communicable disease and immunization of pupils

49408 Information for use in emergencies

49413 First aid and cardiopulmonary resuscitation

49414 Authority of school district or county office of education to provide emergency epinephrine auto-injectors to trained personnel

49422 Health and physical development of pupils; supervision; psychological tests and other psychological activities

49423 Administration of prescribed medication for pupil

49423.6 Medication; administration in public schools

49457 Report to governing board

49470 Medical and hospital services for athletic program

49474 Ambulance service

49480 Continuing medication regime for non-episodic condition; required notice to school employees

Approved: July, 2004

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5141

HEALTH CARE AND EMERGENCIES

The County Superintendent recognizes the importance of taking appropriate action whenever an accident or illness threatens the safety, health, or welfare of a student at school or during school-sponsored activities.

Under Education Code § 49407, no school shall be held liable for the reasonable treatment of a student without the consent of the parent/guardian when the student requires reasonable medical treatment and the parent/guardian cannot be reached, unless other than first aid, a written objection to medical treatment has been previously filed with the school.

Resuscitation Orders

Designated Butte County Office of Education employees have received training and are expected to respond to emergency situations without discrimination. If any student needs resuscitation, staff shall make every effort to resuscitate him/her. When traditional cardiopulmonary resuscitation (CPR) is not medically appropriate, an individual resuscitation plan would be developed to provide for emergency resuscitation of a student. This plan should be developed by a multi-disciplinary school-based team of persons who are knowledgeable about the student. The team, including the student's parent, physician, and appropriate school personnel, should develop appropriate individual plans based on expert medical and other relevant information about the student.

Staff members are prohibited from accepting or following any parental or medical Do Not Resuscitate (DNR) orders while the child is under the control and supervision of the Butte County Office of Education. Once emergency medical personnel have assumed control of the student, information concerning Do Not Resuscitate (DNR) orders shall be communicated.

In the event a parent(s) presents a Do Not Resuscitate order, supported by a written statement from the student's physician, and an order from an appropriate court to honor the DNR order, staff shall follow that order of the court.

The County Superintendent or designee shall ensure that all parents/guardians are informed of this policy.

Legal Reference:

EDUCATION CODE

49407 Liability for treatment

49408 Information for use in emergencies

FAMILY CODE

6550-6552 Caregivers

Approved: February, 2010

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5141

REGULATIONS REGARDING HEALTH CARE AND EMERGENCIES

Emergency Contact Information

In order to facilitate contact in case of an emergency or accident, parents/guardians shall furnish the principal or designee with the information specified below:

1. Home address and telephone number
2. Parent/guardian's business address and telephone number
3. Parent/guardian's cell phone number and e-mail address, if applicable
4. Name, address and telephone number of a relative or friend to whom the student may be released and who is authorized by the parent/guardian to care for the student in cases of emergency or when the parent/guardian cannot be reached
5. Local physician to call in case of emergency

Consent by Caregiver

Any person 18 years of age and older who files with the county a completed caregiver's authorization affidavit for a minor county student shall have the right to consent to or refuse school-related medical care on behalf of the student. The caregiver's authorization shall be invalid if the county receives notices that the minor student is no longer living with the caregiver.

The caregiver's consent to medical care shall be superseded by any contravening decision of the parent or other person having legal custody of the student, provided that this contravening decision does not jeopardize the student's life, health or safety.

Approved: July, 2005

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5141.1

REPORTING STUDENT ACCIDENTS

Student accidents should be reported immediately. If a pattern of student accidents or injury is suspected by a Butte County Office of Education staff person, a review of incidents may be conducted to determine the cause of reoccurrence.

Immediately following an accident and following any necessary medical attention, the County Superintendent directs that the following steps be taken:

1. Employee immediately reports a student accident or injury to program administrator and risk management.
2. Employee completes a Student Accident Report and forwards to the program administrator on the day of the incident unless there are extenuating circumstances. All pertinent facts and information should be included with the report.
3. Risk management forwards a copy of the report to the County Superintendent or designee for any serious student accident.
4. Program administrator may request an investigation of the incident.

Legal Reference:

EDUCATION CODE

32040-43044 First Aid Equipment

49300-49307 School Safety Patrols

49403-49590 Pupil and Personnel Health

49408 Information for use in emergencies

49409 Athletic events; physicians and surgeons; emergency medical care; immunity

49470 Medical and hospital services for athletic program

49471 Medical and hospital services not provided or available

49472 Medical and hospital services for pupils

49474 Ambulance services

51202 Instruction in personal and public health and safety

Approved: July, 2004

Revised:

**BUTTE COUNTY OFFICE OF EDUCATION
SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS**

ACCIDENT/INCIDENT REPORTING FORM
Butte Schools Self-funded Programs (Please print or type)

EXHIBIT A (AR 5141.1)
Confidential

School Site or Department:				
Today's Date:				
Name of Injured Person:				
Address:			Phone:	
Birthdate:	Student:	Employee:	Non-Student	Other:
If non-student or other, state why on premises:				
Date of Injury:		Time:	Weather Conditions?	
Location:				
Was any district rule violated?	Yes	No	If yes, explain:	
Description of Injury:				
Cause of Injury:				
Employee in charge at time of accident:				
Was employee present?				
Medical Attention Given:				
Were parents or guardian contacted?	Yes	No	If yes, who?	
Disposition of injured person:	Class	Home	Doctor	Hospital
Witness Name:			Phone:	
Report completed by:			Phone:	

This form should be completed on all injuries to student or non-students, and district employees and routed to the district office. In case of serious injury, please call business office immediately and fax a copy of the report as soon as possible. Then, call BSSP 530-532-5838.

Approved: July, 2004
Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5141.3

HEALTH EXAMINATIONS

The County Superintendent recognizes that periodic health examinations of students may lead to early detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the school program are necessary.

The County Superintendent or designee shall verify that students have complied with legal requirements for a comprehensive health screening, an oral health assessment, and immunizations at school entry. In addition, Butte County Office of Education shall administer tests for vision, hearing, and scoliosis as required by law.

All students who participate as cheerleaders, song leaders, or athletes in organized competitive sports shall first undergo a medical examination and submit documentation of medical clearance. Upon sustaining an injury or serious illness, a student may be required to have another examination before participating further.

This requirement does not apply to participants in occasional play day or field day activities.

The County Superintendent or designee shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept confidential. Records related to these examinations shall be maintained and released only in accordance with law.

Legal Reference:

EDUCATION CODE

44871-44879 Employment qualifications

48980 Parental notifications

49400-49414.5 Student health, general powers of school boards

49422 Supervision of health and physical development

49450-49458 Physical examinations (of students)

49460-49466 Development of standardized health assessments

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable diseases

121475-121520 Tuberculosis tests for students

124025-124110 Child Health and Disability Prevention Program

Approved: November, 2010

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5141.3

REGULATIONS REGARDING HEALTH EXAMINATIONS

The Principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations.

A parent/guardian may annually file a written statement with the Principal withholding consent to the physical examination of his/her child. Any such student shall be exempt from any physical examination but shall be subject to exclusion from attendance when contagious or infectious disease is reasonably suspected.

Vision and Hearing Tests

All students shall be tested for visual acuity when they first enroll in elementary school and at least every three years thereafter until they complete grade 8. Gross external observation of the student's eyes, visual performance, and perception shall be made by the school nurse and the classroom teacher.

For male students, color vision shall be tested one time, after the student reaches grade 1. Results of the test shall be entered into the student's health record.

Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from an authorized health care provider specifying the results of an examination of the student's vision, including visual acuity, and, in male students, color vision.

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The report of a visual defect, if made in writing, shall be made on a form prescribed by the Superintendent of Public Instruction.

Such reports shall not include a referral to any private practitioner. However, the student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county, or city department of public health.

Scoliosis Screening

Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. This screening shall comply with California Department of Education standards and shall be performed by qualified personnel as specified in law.

Persons performing the screening shall not solicit, encourage, or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening.

The parent/guardian of any student suspected of having scoliosis shall receive a notice which includes an explanation of scoliosis and describes the significance of treatment at an early age.

**BUTTE COUNTY OFFICE OF EDUCATION
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This notice shall also describe the public services available for treatment and include a referral to appropriate community resources.

Approved: November, 2010

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BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5141.4

CHILD ABUSE PREVENTION AND REPORTING

The County Superintendent is committed to supporting the safety and well-being of students and desires to facilitate the prevention of and response to child abuse and neglect. The County Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The County Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

Child Abuse Prevention

Butte County Office of Education's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of abuse.

The program may also include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction.

The County Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

The County Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the comprehensive safety plan.

Employees, who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The County Superintendent or designee shall provide training regarding the duties of mandated reporters.

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans

33195 Heritage schools, mandated reporters

33308.1 Guidelines on procedure for filing child abuse complaints

44252 Teacher credentialing

44691 Staff development in the detection of child abuse and neglect

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

51900.6 Sexual abuse and sexual assault awareness and prevention

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PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act

273a Willful cruelty or unjustifiable punishment of child; endangering life or health

288 Definition of lewd or lascivious act requiring reporting

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

CODE OF REGULATIONS, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

Approved: November, 2015

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5141.4

REGULATIONS REGARDING CHILD ABUSE PREVENTION AND REPORTING

Definitions

Child abuse or neglect includes the following:

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation
3. Neglect of a child
4. Willful harming or injuring of a child or the endangering of the person or health of a child
5. Unlawful corporal punishment or injury

Child abuse or neglect does not include:

1. A mutual affray between minors
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment
3. An injury resulting from the exercise by a teacher, Vice Principal, Principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student
6. Homelessness or classification as an unaccompanied minor

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed day care facility; Head Start teachers; police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program.

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect.

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency.

Any Butte County Office of Education employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer.

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person.

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report.

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency.

Reporting Procedures

1. Initial Telephone Report
Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department, sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department.

Butte County DESS (Department of Employment and Social Services Children's Services)
78 Table Mountain Blvd.
P.O. Box 1649 Oroville, CA 95965 1-800-400-0902

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When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572).

The Department of Justice form may be obtained from the Butte County Office of Education or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known:

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her.

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage.

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the Principal, or the County Superintendent or designee.

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the Principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the Principal shall inform the County Superintendent or designee.

The Principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law,

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Butte County Superintendent's Policy, and Administrative Regulations. At the mandated reporter's request, the Principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, Principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency.

Training

Within the first six weeks of each school year, the County Superintendent or designee shall provide training on mandated reporting requirements to employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment.

The County Superintendent or designee shall use the online training module provided by the California Department of Social Services.

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified.

The County Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training.

Victim Interviews by Social Services

Whenever the Department of Social Services or another government agency investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The County Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child.

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the Principal or designee shall inform him/her of the following requirements:

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school.

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Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the County Superintendent or designee and/or Principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian.

Parent/Guardian Complaints

Upon request, the County Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a Butte County Office of Education employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated to file a report himself/herself using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education.

Notifications

The County Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations, and their confidentiality rights. The Butte County Office of Education also shall provide these new employees with a copy of the appropriate Penal Codes.

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations and will comply with those provisions. The signed statement shall be retained by the County Superintendent or designee.

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures.

Approved: November, 2015

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5141.21

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

The County Superintendent recognizes that during the school day, some students may need to take medication prescribed or ordered by an authorized health care provider to be able to fully participate in the educational program. The County Superintendent or designee shall develop processes for the administration of medication to these students. For any student with a disability, as defined under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, necessary medication shall be administered in accordance with the student's individualized education program or Section 504 services plan.

If a parent/guardian chooses, he/she may administer the medication to his/her child at school or designate another individual who is not a school employee to do so on his/her behalf.

In addition, upon written request by the parent/guardian and with the approval of the student's authorized health care provider, a student with a medical condition that requires frequent treatment, monitoring, or testing may be allowed to self-administer, self-monitor, and/or self-test. The student shall observe universal precautions in the handling of blood and other bodily fluids.

Administration of Medication by School Personnel

Any medication prescribed by an authorized health care provider, including, but not limited to emergency anti-seizure medication for a student who suffers epileptic seizures, auto-injectable epinephrine, insulin, or glucagon, may be administered by the school nurse or other designated school personnel only when the Superintendent or designee has received written statements from both the student's parent/guardian and authorized health care provider.

School nurses and other designated school personnel shall administer medications in accordance with law, Butte County Superintendent's Policy and Administrative Regulations and shall be afforded appropriate liability protection.

When medically unlicensed personnel are authorized by law to administer any medication to students, such as emergency anti-seizure medication, auto-injectable epinephrine, insulin, or glucagon, the County Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by and provided with emergency communication access to a school nurse, physician, or other appropriate individual.

The County Superintendent or designee shall maintain documentation of the training, ongoing supervision, as well as annual written verification of competency of such other designated

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school personnel.

In an emergency situation such as a public disaster or epidemic, a trained, unlicensed district employee may administer medication to a student.

Legal Reference:

EDUCATION CODE

48980 Notification at beginning of term

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49414.5 Providing school personnel with voluntary emergency training

49414.7 Emergency medical assistance: administration of epilepsy medication

49422-49427 Employment of medical personnel, especially

49423 Administration of prescribed medication for student

49423.1 Inhaled asthma medication

49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially

2726 Authority not conferred

2727 Exceptions in general

3501 Definitions

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

Approved: November, 2011

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BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5141.21

REGULATIONS REGARDING ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant.

Other designated school personnel may include any individual employed by Butte County Office of Education who has consented to administer the medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication.

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies.

Emergency medical assistance for a student suffering an epileptic seizure means the administration of an emergency anti-seizure medication such as diazepam rectal gel and other emergency medications approved by the federal Food and Drug Administration for patients suffering from epileptic seizures.

Notifications to Parents/Guardians

At the beginning of each school year, the County Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options.

In addition, the County Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a non-episodic condition of the following requirements:

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

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Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Each year, providing required parent/guardian and authorized health care provider written statements as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. In addition, the parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes.
2. If the student is on a continuing medication regimen for a non-episodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician.
3. If the student suffers from epilepsy, notifying the principal or designee whenever the student has had an emergency anti-seizure medication administered to him/her within four hours before a school day.
4. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider.

Parent/Guardian Statement

When Butte County Office of Education employees are to administer medication to a student, the parent/ guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized Butte County Office of Education representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the authorized health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how Butte county Office of Education employees will administer or otherwise assist the student in the administration of medication
4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable Butte County Office of Education employees to administer or otherwise assist the student in the administration of medication including, but not limited to, the parent/guardian's responsibility to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment
5. Contain an acknowledgment that the parent/guardian may terminate consent for such administration at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine,

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insulin, or prescription inhaled asthma medication, the parent/guardian's written statement shall:

1. Consent to the self-administration
2. Release Butte County Office of Education and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the Butte County Office of Education to administer medication to his/her child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

Health Care Provider Statement

When Butte County Office of Education employees are to administer medication to a student or when a student is to be allowed to carry and self-administer prescription diabetes medication, auto-injectable epinephrine, or prescription inhaled asthma medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student
2. The name of the medication
3. The method, amount, and time schedules by which the medication is to be taken
4. If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication
5. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
6. Possible side effects of the medication
7. Name, address, telephone number, and signature of the student's authorized health care provider

When authorizing a Butte County Office of Education employee to administer emergency anti-seizure medication to a student, the authorized health care provider's written statement shall also include the following:

1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of the medication becomes necessary
2. A protocol for observing the student after a seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class, the length of time for direct observation, and a requirement to contact the school nurse and the student's parent/guardian to continue the observation plan

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Responsibilities

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medications in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt
3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medications, and note on the list the type of medication and the times and dosage to be administered
4. Maintain a medication log which may:
 - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information
 - b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication
5. Maintain a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained
7. Coordinate the administration of medication during field trips and after-school activities
8. Report to the parent/guardian and the site administrator any refusal by the student to take his/her medication
9. Keep all medication to be administered by the Butte County Office of Education in a locked drawer or cabinet
10. As needed, communicate with the authorized health care provider and pharmacist regarding the medication and its effects
11. Counsel other designated school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose
12. Ensure that unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances
13. Provide immediate medical assistance, if needed, and report to the site administrator and parent/guardian instances when the medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

Upon receiving such notification, the site administrator may notify the student's authorized health care provider and shall document the error in the medication log.

Additional Requirements for Management of Epileptic Seizures

In addition to other applicable provisions in preceding sections, the County Superintendent or

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designee shall make arrangements for assisting students with epilepsy who may suffer a seizure at school. Such arrangements shall include the following:

1. The notification of any parent/guardian who requests that a nonmedical Butte County Office of Education employee be trained to provide emergency medical assistance to his/her child that the child may qualify for services or accommodations under a Section 504 plan or an individualized education program (IEP).
The County Superintendent or designee shall assist the parent/guardian to explore that option and shall encourage him/her to adopt the option if the student is determined to be eligible for such service or accommodation.
2. The creation of an individualized health plan, seizure plan, or other appropriate health plan designed to acknowledge and prepare for the child's health care needs in school, if a parent/guardian refuses to have his/her child assessed for services or accommodations under the Section 504 plan or an IEP.
3. The distribution of an electronic notice to school staff, no more than twice per school year, for each student whose parent/guardian has requested provision of emergency medical assistance. The notice shall be in bold print and, shall contain a description of the volunteer request, the training that the volunteer will receive, the voluntary nature of the program, and the timelines for the volunteer to rescind his/her offer.

If no employee volunteers to administer emergency anti-seizure medication to a student, the County Superintendent or designee shall re-notify the student's parent/guardian of the option to be assessed for services and accommodations under Section 504 and the federal Individuals with Disabilities Education Act.

4. An assurance that any employee who volunteers to administer an emergency anti-seizure medication receives training from a licensed health care professional before administering such medication. When a trained employee has not administered an emergency anti-seizure medication to a student within two years after completing the training, he/she shall attend a new training program to retain the ability to administer an emergency anti-seizure medication.
5. An assurance that any training provided for Butte County Office of Education employees who volunteer to administer emergency anti-seizure medications to students includes, but is not limited to:
 - a. Recognition and treatment of different types of seizures
 - b. Administration of an emergency anti-seizure medication
 - c. Basic emergency follow-up procedures, including, but not limited to, a requirement for the principal or designee to call the emergency 911 telephone number and to contact the student's parent/guardian, but not necessarily to transport the student to an emergency room
 - d. Techniques and procedures to ensure student privacy
6. A process for notifying the credentialed school nurse, or the County Superintendent or designee as applicable, whenever an employee administers an emergency anti-seizure medication to a student at a school site.

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BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5141.22

INFECTIOUS DISEASES

The County Superintendent desires to protect students from risks posed by exposure to infectious diseases while providing an appropriate education for all students. The County Superintendent recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.

Infectious Disease Prevention

The County Superintendent or designee shall collaborate with parents/guardians and local health agencies and organizations to develop a comprehensive approach to disease prevention that promotes preventative measures and education of students and staff.

The County Superintendent or designee shall regularly review resources available from health experts to ensure programs are based on the most up-to-date information.

The County Superintendent or designee shall ensure that the comprehensive health education program provides information about the prevention of infectious diseases, including the nature of bloodborne pathogens and their transmission, as well as information to help prevent the spread of contagious diseases, such as a pandemic influenza. He/she shall also ensure that each school has sufficient infection prevention supplies that are easily accessible to staff.

Universal Precautions

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

The County Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

Students with Infectious Diseases

The County Superintendent or designee shall exclude students only in accordance with law, Superintendent's Policy, and Administrative Regulations. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

Parents/guardians are encouraged to inform the County Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. The County Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law.

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Legal Reference:

EDUCATION CODE

48210-48216 Persons excluded

49073-49079 Privacy of pupil records

49403 Cooperation in control of communicable disease and immunization of pupils

49405 Smallpox control

49406 Examination for tuberculosis (employees)

49408 Information of use in emergencies

49602 Confidentiality of student information

51202 Instruction in personal and public health and safety

CALIFORNIA CONSTITUTION ARTICLE 1

Section 1 Right to Privacy

CIVIL CODE

56-56.37 Confidentiality of Medical Information Act

1798-1798.76 Information Practices Act

HEALTH AND SAFETY CODE

120230 Exclusion for communicable disease

120325-120380 Immunization against communicable diseases

120875-120895 AIDS information

120975-121022 Mandated blood testing and confidentiality to protect public health

121475-121520 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF REGULATIONS, TITLE 17

2500-2511 Communicable disease reporting requirements

Approved: July, 2006

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5141.24

REGULATIONS REGARDING SPECIALIZED HEALTH CARE SERVICES

Definitions

Specialized physical health services means those health services prescribed by the student's licensed physician requiring medically related training for the individual who performs the services and which are necessary during the school day to enable the student to attend school. These services include catheterization, gastric tube feeding, suctioning, or other services that require medically related training.

Qualified means the ability to demonstrate competence in cardio-pulmonary resuscitation, current knowledge of community emergency medical resources, and skill in the use of equipment and performance of techniques necessary to provide specialized physical health care services for individuals with disabilities. In addition, for designated school personnel, qualified means trained in the procedures to a level of competence and safety which meets the objectives of the training as provided by the school nurse, public health nurse, licensed physician, or other programs which provide the training.

Training means preparation in the appropriate delivery and skillful performance of specialized physical health care services.

Supervision means review, observation, and/or instruction of a designated school person's performance and of physical health care services, but does not necessarily require the immediate presence of the supervisor at all times.

Provision of Services

A student with disabilities who requires specialized health care services, as identified in his/her individualized education program (IEP), during the school day may be assisted by any of the following individuals:

1. Qualified persons who possess an appropriate credential pursuant to Education Code 44267 or Education Code 44267.5, or a valid certificate of public health nursing issued by the Board of Registered Nursing.
2. Qualified designated school personnel trained in the administration of specialized physical health care if they perform those services under the supervision of a credentialed school nurse or licensed physician and the services are determined by the credentialed school nurse or licensed physician, in consultation with the physician treating the student, to meet all of the following criteria:
 - a. Constitute routine care for the student
 - b. Pose little potential harm for the student
 - c. Are performed with predictable outcomes, as defined in the student's IEP
 - d. Do not require a nursing assessment, interpretation, or decision making by the designated school personnel

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Specialized health care or other services that require medically related training shall be provided pursuant to Education Code 49423.

Schools shall provide appropriate accommodations for safety and necessary physical care services. The student's personal privacy and dignity shall be assured.

A qualified school nurse, public health nurse, or licensed physician responsible for supervising the physical health care of students with disabilities in the school setting shall:

1. Coordinate the health care services to the students with disabilities on the school site
2. Consult with appropriate personnel regarding management of health care services for students with disabilities
3. Make appropriate referrals and maintain communication with health agencies providing care to students with disabilities
4. Maintain or review licensed physician and parent/guardian requests and daily documentation records

The licensed physician of a student with disabilities who is required to receive physical health care services shall provide a written statement detailing the procedure and time schedule by which such procedures are to be given. In addition, the student's parent/guardian shall provide a written statement indicating his/her desire that Butte County Office of Education assist the student in the matters set forth in the physician's statement and granting consent for the delivery of such services.

For each student with disabilities, Butte County Office of Education shall maintain the physician and parent/guardian statements, as well as the specific standardized procedures to be used if the services are provided. Butte County Office of Education shall also maintain daily documentation of specific services provided and shall include the signatures of the personnel who performed the procedure. This documentation shall be maintained in accordance with the requirements for confidentiality of student records and shall be classified as mandatory interim student records.

Legal Reference:

EDUCATION CODE

49423 Administration of prescribed medication for student

49423.5 Specialized physical health care services

49426 School nurses

56000-56606 Special education programs, especially:

56345 Individualized education program contents

Approved: November, 2007

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5141.31

IMMUNIZATIONS

To protect the health of all students and staff and to curtail the spread of infectious diseases, the County Superintendent shall cooperate with state and local public health agencies to encourage and facilitate immunization of all Butte County Office of Education's students against preventable diseases.

Each student enrolling for the first time in a Butte County Office of Education elementary or secondary school, preschool, or child care and development program shall present an immunization record from any authorized private or public health care provider certifying that he/she has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

Each transfer student shall be requested to present his/her immunization record upon registration in a Butte County Office of Education school. However, when necessary, a transfer student may be conditionally admitted for up to 30 school days while his/her immunization records are being transferred from the previous school. If these records do not arrive within 30 school days, the student shall present written documentation by an authorized health care provider showing that the required immunizations were received. If such documentation is not presented, the student shall be excluded from school until the required immunizations have been administered.

Legal Reference:

EDUCATION CODE

44871 Qualifications of supervisor of health

46010 Total days of attendance

48216 Immunization

48853.5 Immediate enrollment of foster youth

48980 Required notification of rights

49403 Cooperation in control of communicable disease and immunizations

49426 Duties of school nurses

49701 Flexibility in enrollment of children of military families

HEALTH & SAFETY CODE

120325-120380 Immunization against communicable disease, especially:

120335 Immunization requirement for admission

120395 Information about meningococcal disease, including recommendation for vaccination

120440 Disclosure of immunization information

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

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BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5141.31

REGULATIONS REGARDING IMMUNIZATIONS

Required Immunizations

The County Superintendent or designee shall provide parents/guardians, upon school registration, a written notice summarizing the state's immunization requirements.

The County Superintendent or designee shall not unconditionally admit any student to a Butte County Office of Education elementary or secondary school, preschool, or child care and development program nor advance a student to specified grade levels unless that student has presented documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health, against the following diseases:

1. Measles, mumps and rubella (MMR)
2. Diphtheria, tetanus and pertussis (whooping cough) (DTP, DTaP, or Tdap)
3. Poliomyelitis (polio)
4. Hepatitis B
5. Varicella (chickenpox)
6. Haemophilus influenza type b (Hib meningitis)
7. Any other disease designated by the California Department of Public Health

The student's immunization record shall be provided by the student's health care provider or from the student's previous school immunization record. The record must show the date that each dose was administered.

Exemptions

Exemption from immunization requirements is allowed when:

1. The student's parent/guardian states in writing that immunization is contrary to his/her beliefs.
However, if there is good cause to believe that the student has been exposed to one of the communicable diseases listed above, the student may be temporarily excluded from school until the local public health officer is satisfied that the student is no longer at risk of developing the disease.
2. The student's parent/guardian provides a written statement by a licensed physician that the physical condition or medical circumstances of the student are such that immunization is unsafe or is permanently not indicated, in which case the student shall be exempted to the extent indicated by the physician's statement.

Exclusions Due to Lack of Immunizations

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or the student presents a letter or affidavit of exemption from his/her parent/guardian or physician to the County Superintendent or designee.

Before an already admitted student is excluded from school attendance because of lack of immunization, the County Superintendent or designee shall notify the parent/guardian that

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he/she has 10 school days to supply evidence of proper immunization or an appropriate letter of exemption.

This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any.

The County Superintendent or designee shall exclude from further attendance any already admitted student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above, unless the student is exempt from immunization for medical reasons or personal beliefs. The student shall remain excluded from school until he/she has received another dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal.

Conditional Enrollment

The County Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that:

1. He/she has received some but not all required immunizations and is not due for any vaccine dose at the time of admission
2. He/she has a temporary exemption from immunization for medical reasons

The County Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses when they become due.

The County Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received.

The County Superintendent or designee shall record each new entrant's immunizations in the California School Immunization Record and retain it as part of the student's mandatory permanent student record. Butte County Office of Education staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law.

Approved: November, 2010

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5141.33

HEAD LICE

The County Superintendent believes the head lice management program should emphasize the correct diagnosis and treatment of head lice in order to minimize disruption of the education process and to reduce the number of student absences resulting from infestation. In consultation with the school nurse, the County Superintendent or designee may establish a routine screening program to help prevent the spread of head lice.

To prevent the spread of head lice infestations, school employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The school nurse, or designee shall examine the student, and if feasible, any siblings of affected students or members of the same household. If a current infestation (live lice or nits within ¼" of the scalp) is identified, the student shall be excluded from attendance and parents/guardians informed about recommended treatment procedures and sources of further information.

The school nurse or designee shall send home the notification required by law for excluded students.

If there are two or more students affected in any class, all students in the class shall be examined, and information about head lice shall be sent home to all parents/guardians of those students.

Staff shall maintain the privacy of students identified as having head lice and excluded from attendance.

Legal Reference:

EDUCATION CODE

48210-48216 Persons excluded

49451 Physical examinations: parent's refusal to consent

Approved: July, 2006

Revised:

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5141.33

REGULATIONS REGARDING HEAD LICE

School employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The school nurse or designee shall examine the student and any siblings of affected students or members of the same household. If a current infestation (live lice or nits within ¼" of the scalp) is identified, the student shall be excluded and parents/guardians informed about recommended treatment procedures, ways to check the hair, and sources of further information.

The Principal, or designee, shall send home the notification required by law for excluded students.

If there are more than two students affected in any one classroom, all students in the class shall be examined and information about head lice shall be sent home to all parents/guardians in the class.

Excluded students may return to school when they bring a note from the parents/guardians indicating the treatment used and when re-examination by the nurse, or designee, shows that all live lice and nits within ¼" of the scalp have been removed.

It is necessary that efforts be made to effectively control head lice as soon as it become evident that a student may be infested. In order to keep a simple case of pediculus (head lice) from turning into a widespread problem, there is a need for individuals to work together to eradicate the problem. School and medical personnel must work cooperatively with students and parents/guardians to initiate the steps necessary to treat and eliminate head lice. Classroom teachers should report all suspected infestations to the Principal. Control depends on prompt detection, proper administration, effective treatment, and spread prevention.

The following procedures are to be followed when a student has been found to have head lice:

1. Parents/guardians are to be immediately contacted and the student excluded from school in order to receive proper treatment.
Information shall be made available to the parents/guardians, including recommendations for treatment with an anti-lice shampoo, for the student infested and the procedures to be followed to eliminate head lice in the home.
2. Upon re-admittance of the student to school, the parents/guardians shall be obligated to verify that the student received the necessary treatment and recognition that a second treatment is necessary within an eight (8) to ten (10) day period. The student shall be inspected by the school nurse, or designee, to determine the status of the head lice.
3. If the student were again identified as being infested, Procedures 1 and 2 above shall again be followed. In addition, the student, upon returning to school, shall again be inspected by the school nurse, or designee, to determine the status of the head lice. If there is an indication that head lice or nits within ¼" of the scalp are present, the student shall again be denied admission and Procedures 1-3 will be again followed.

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4. If the student were again identified for the third time as having head lice the student shall again be excluded. Prior to re-admission there will be a home visit or a conference held to discuss the procedures to be followed by the parents/guardians to eradicate the head lice problem in the home and to verify that the appropriate shampoo treatment has been administered to the infested student. Upon verification by the school nurse, or designee, the student shall be re-admitted to school.

Approved: July, 2006

Revised:

BUTTE COUNTY OFFICE OF EDUCATION
SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

EXHIBIT A (SP 5141.33)

BUTTE COUNTY OFFICE OF EDUCATION

Student Programs & Services

Dear Parents/ Guardians/ Care Providers:

A case of head lice was found in your child's classroom.

We need your assistance to control and prevent outbreaks of head lice (pediculosis). Please examine your child's hair at least once a week for head lice or nits (lice eggs).

IF LIVE LICE OR DARK NITS ARE FOUND ON CHILDREN AT SCHOOL, THEIR PARENTS/ GUARDIANS WILL BE ASKED TO TAKE THEM HOME FOR TREATMENT.

LICE ARE CONTAGIOUS!

LOOK FOR THE FOLLOWING SIGNS OF HEAD LICE:

- Scratching and itching of the scalp may be due to head lice. Head lice are parasites that live on human blood. Each time a louse bites to feed, it injects irritating saliva into the wound which causes itching.
 - Head lice are about the size of a freckle, usually brown, or tan in color. They are flat, six legged insects which crawl from person to person. They **cannot** fly or jump. They are commonly found at the back of the head and neck, and behind the ears.
 - Nits (lice eggs) are about the size of a small grain of rice and 'glued' to the hair shaft close to the scalp. They are brown in color when new and white after they hatch.
-

IF YOU FIND LIVE LICE OR DARK NITS IN YOUR CHILD'S HAIR:

- Contact your school nurse.
- Treat your child with a pediculicide (head lice shampoo). You will find several brands at the local drug stores. Ask the pharmacist or your doctor if you are unsure of what to buy. Medi-Cal will pay for some shampoos.
- Comb out each nit (egg). The shampoo does not kill each nit. Under ideal conditions, the nits will hatch within 10 days. Unless they are combed out, you may have a new crop of head lice. Special nit combs are sold at drug stores.
- **Clean all combs, brushes, clothing and bedding.**
- Notify the school so we can check other students who may be infested with head lice.
- Send your child back to school after you have treated your child with a lice shampoo and **combed out the nits.**

Please take your child to the school nurse or designee for a "head check" before your child returns to the classroom.

Please contact the school nurse if you need additional information.

Approved: July, 2006

Revised: October, 2016

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5141.52

SUICIDE PREVENTION

The County Superintendent recognizes that suicide is a leading cause of death among youth and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. To attempt to reduce suicidal behavior and its impact on students and families, the County Superintendent or designee shall develop measures and strategies for suicide prevention, intervention, and postvention.

In developing measures and strategies for use by Butte County Office of Education, the County Superintendent or designee may consult with school health professionals, school counselors, school psychologists, school social workers, administrators, other staff, parents/guardians, students, local health agencies, mental health professionals, and community organizations.

Such measures and strategies shall include, but are not limited to:

1. Staff development on suicide awareness and prevention for teachers, school counselors, and other district employees who interact with students in the secondary grades
2. Instruction to students in problem-solving and coping skills to promote students' mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others
3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students
4. The provision of information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the youth suicide problem, the district's suicide prevention curriculum, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis
5. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
6. Crisis intervention procedures for addressing suicide threats or attempts
7. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning youth.

Legal Reference:

EDUCATION CODE

215 Student suicide prevention policies

32280-32289 Comprehensive safety plan

BUTTE COUNTY OFFICE OF EDUCATION

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49060-49079 Student records

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

GOVERNMENT CODE

810-996.6 Government Claims Act

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

5850-5883 Mental Health Services Act

Approved: June, 2017

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5141.52

REGULATIONS REGARDING SUICIDE PREVENTION

Staff Development

Suicide prevention training shall be provided to teachers, counselors, and other district employees who interact with students at the secondary level. The training shall be offered under the direction of Butte County Office of Education's clinicians/counselors/psychologist and/or in cooperation with one or more community mental health agencies.

Materials for training shall include how to identify appropriate mental health services at the school site and within the community, and when and how to refer youth and their families to those services. Materials also may include programs that can be completed through self-review of suitable suicide prevention materials.

Staff development shall include research and information related to the following topics:

1. The higher risk of suicide among certain groups, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning youth
2. Individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability, impulsivity, and other factors
3. Warning signs that may indicate depression, emotional distress, or suicidal intentions, such as changes in students' personality or behavior and verbalizations of hopelessness or suicidal intent
4. Protective factors that may help to decrease a person's suicide risk, such as resiliency, problem-solving ability, access to mental health care, and positive connections to family, peers, school, and community
5. Instructional strategies for teaching the suicide prevention curriculum and promoting mental and emotional health
6. School and community resources and services, including resources and services that meet the specific needs of high-risk groups
7. Procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide

Instruction

Butte County Office of Education's comprehensive health education program shall promote the healthy mental, emotional, and social development of students and shall be aligned with the state content standards and curriculum framework. Suicide prevention instruction shall be incorporated into the health education curriculum at appropriate secondary grades and shall be designed to help students:

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

1. Identify and analyze signs of depression and self-destructive behaviors and understand how feelings of depression, loss, isolation, inadequacy, and anxiety can lead to thoughts of suicide
2. Develop coping and resiliency skills and self-esteem
3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent
4. Identify trusted adults, school resources, and/or community crisis intervention resources where youth can get help and recognize that there is no stigma associated with seeking services for mental health, substance abuse, and/or suicide prevention

Intervention

Students shall be encouraged to notify a teacher, principal, counselor, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Every statement regarding suicidal intent shall be taken seriously. Whenever a staff member suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm, he/she shall promptly notify the principal or school counselor.

Although any personal information that a student discloses to a school counselor shall generally not be revealed, released, referenced, or discussed with third parties, the counselor may report to the principal or student's parents/guardians when he/she has reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student. In addition, the counselor may disclose information of a personal nature to psychotherapists, other health care providers, or the school nurse for the sole purpose of referring the student for treatment.

A school employee shall act only within the authorization and scope of his/her credential or license. An employee is not authorized to diagnose or treat mental illness unless he/she is specifically licensed and employed to do so.

Whenever schools establish a peer counseling system to provide support for students, peer counselors shall receive training that includes identification of the warning signs of suicidal behavior and referral of a suicidal student to appropriate adults.

When a suicide attempt or threat is reported, the principal or designee shall ensure student safety by taking the following actions:

1. Immediately securing medical treatment and/or mental health services as necessary
2. Notifying law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
3. Keeping the student under continuous adult supervision until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene

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4. Removing other students from the immediate area as soon as possible

The Principal or designee shall document the incident in writing, including the steps that the school took in response to the suicide attempt or threat.

The County Superintendent or designee shall follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed. If the parent/guardian does not access treatment for the student, the County Superintendent or designee may meet with the parent/guardian to identify barriers to treatment and assist the family in providing follow-up care for the student. If follow-up care is still not provided, the County Superintendent or designee shall consider whether he/she is required, pursuant to laws for mandated reporters of child neglect, to refer the matter to the local child protective services agency.

For any student returning to school after a mental health crisis, the principal or designee and/or school counselor may meet with the parents/guardians and, if appropriate, with the student to discuss re-entry and appropriate next steps to ensure the student's readiness for return to school.

Post-vention

In the event that a student dies by suicide, the County Superintendent or designee shall communicate with the student's parents/guardians to offer condolences, assistance, and resources. In accordance with the laws governing confidentiality of student record information, the County Superintendent or designee shall consult with the parents/guardians regarding facts that may be divulged to other students, parents/guardians, and staff.

The County Superintendent or designee shall implement procedures to address students' and staff's grief and to minimize the risk of imitative suicide or suicide contagion. He/she shall provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. School staff may receive assistance from school counselors or other mental health professionals in determining how best to discuss the suicide or attempted suicide with students.

Any response to media inquiries shall be handled by the County Superintendent who shall not divulge confidential information. The response shall not sensationalize suicide and shall focus on the post-vention plan and available resources.

After any suicide or attempted suicide by a student, the County Superintendent or designee shall provide an opportunity for all staff who responded to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

Approved: June, 2017

Revised:

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5142

SAFETY

The County Superintendent believes in ensuring that proper attention is paid to the safety of students. Every reasonable precaution shall be taken for the safety of students, employees, visitors, patrons, and all others having business on any Butte County Office of Education facility. The County Superintendent believes in the importance of safety, not only as a protective measure during school and work hours, but also as an instructional means of developing an appropriate mode of behavior to minimize accidents at all times.

The County Superintendent directs administrators, teachers and other school staff to monitor the conduct and ensure the safety of students from the time they come under school supervision until they leave school supervision.

A minor student shall not be permitted to leave school in the custody of a person other than the student's legal parent/guardian unless that person has verified authorization of the legal parent/guardian.

It is the responsibility of the administrator and teacher to provide for adequate supervision of playgrounds and other school facilities at all times when they are in use by students during the school day or at school-sponsored activities. Special attention should be given to the prevention of accidents and to the development of habits of good citizenship.

Employees should make full use of the cooperative services of local and county organizations, which provide safety services, such as insurance, fire, law enforcement and disaster preparedness agencies.

Legal Reference:

EDUCATION CODE

7280-17317 Approvals (Field Act)

32001-32034 School safety – public and private institutions

32040-32044 First aid equipment

32050-32051 Hazing laws

38139 Missing children: posting of information in specified areas of public primary and secondary schools

44807 Duty concerning conduct of pupils

44808 Liability when students not on school property

44808.5 Permission for pupils to leave school grounds: notice (high school)

49068.5 Missing children: notice; posting on school record

49340-49341 Hazardous materials education

51202 Instruction in personal and public health and safety

GOVERNMENT CODE

810-996.6 California Tort Claims Act, especially:

815 Liability for injuries generally: immunity of public entity

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835 Conditions of liability

4450-4460 Access to public buildings by physically handicapped persons

HEALTH AND SAFETY CODE

115725-115750 Recreational safety

115775-115800 Wooden Playground Equipment

PENAL CODE

14200-14213 Violent crime information center

PUBLIC RESOURCES CODE

5411 Purchase of equipment usable by physically handicapped persons

CODE OF REGULATIONS, TITLE 5

202 Exclusion of pupils with a contagious disease

5531 Supervision of extracurricular activities of pupils

5552 Playground supervision

5570 When school shall be open and teachers present

14103 Authority of bus driver

Approved: July, 2004

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5142.1

REGULATIONS REGARDING IDENTIFICATION AND REPORTING OF MISSING CHILDREN

Notices of Missing Children

Every Butte County Office of Education school shall post in an appropriate area the monthly poster on missing children provided by the Department of Justice (DOJ). For elementary schools, the poster shall be posted in an area restricted to adults.

If a law enforcement agency notifies Butte County Office of Education that a child enrolled in a Butte County Office of Education school has been reported missing, the Principal or designee of the school in which the child is enrolled shall place a notice on the front of the child's school record indicating that he/she has been reported missing. If a school receives a record inquiry or request from any person or entity regarding a missing child about whom the school has been notified, the Principal or designee shall immediately notify the law enforcement agency that informed the school of the missing child's status.

Reporting Missing Children

Any Butte County Office of Education employee who recognizes a child who has been reported missing through a DOJ notice, an Amber Alert, or other means shall immediately notify law enforcement using the hotline telephone number listed.

In the event that a Butte County Office of Education employee witnesses a child abduction, he/she shall immediately contact law enforcement and provide the agency with information on the location of the abduction and a description of the victim, the suspect, and any vehicle involved. He/she shall also notify the County Superintendent or designee who shall implement steps, as needed, to ensure the safety of other students.

Legal Reference:

EDUCATION CODE

32390 Voluntary program for fingerprinting students

38139 Posting of information about missing children

48980 Parental notification of district programs, rights and responsibilities

49068.5-49068.6 Missing children; transfers

49370 Legislative intent re: reporting of missing children

PENAL CODE

14200-14213 Violent crime information center

UNITED STATES CODE, TITLE 5

640-641 Student fingerprinting program

Approved: July, 2011

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5143

INSURANCE

The County Superintendent believes that all students should have health and accident insurance protection to ensure that they receive needed health care services in the event of illness or injury.

The County Superintendent or designee shall provide information to students and their parents/guardians about available insurance against injuries occurring during school-related activities, which may include printed matter furnished by the insurer or membership corporation. Parents/guardians shall not be required to enroll their children in insurance programs offered by Butte County Office of Education.

Field Trips/Excursions

Butte County Office of Education shall offer medical and/or hospital service or insurance protection for students injured while participating in any excursion or field trip under the jurisdiction of, sponsored by, or controlled by Butte County Office of Education.

Parents/guardians choosing to participate in the insurance program offered by Butte County Office of Education shall pay the costs of the medical or hospital service or insurance protection.

Legal Reference:

EDUCATION CODE

10900-10914.5 Community recreation activities

32220-32224 Insurance for athletic teams

33353.5 Interscholastic federation; insurance program; nontransaction of insurance

35331 Insurance for field trips and excursions

48980 Parental notifications

48985 Notices to parents in language other than English

49470-49474 District medical services and insurance

51760 Insurance, work experience programs

52530 Insurance for healing arts program students

Approved: November, 2006

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5144

DISCIPLINE

The County Superintendent desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The County Superintendent believes that high expectations for student behavior, effective classroom management, and parent involvement can minimize the need for discipline. It is the County Superintendent's preference that positive interventions and alternative disciplinary measures be used over exclusionary discipline measures. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. In addition, discipline shall be used in a manner that corrects student behavior without intentionally creating an adverse effect on student learning or health.

Butte County Office of Education Superintendent's Policy and Administrative Regulations shall outline acceptable student conduct and provide the basis for sound disciplinary practices. School sites, with the support of the County Superintendent or designee, shall develop effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of Butte County Office of Education's discipline policies and practices.

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different interventions and disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn. Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required or permitted by law or when other means of correction have been documented to have failed. Persistently disruptive students may be assigned to alternative programs or referred to the District of Record. Sites may create, with the support of the County Superintendent or designee, and in accordance with law, Butte County Office of Education Superintendent's Policy and Administrative Regulations, an intervention matrix to support positive responses to behavior.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with Butte County Office of Education's non-discrimination policies.

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal.

The County Superintendent or designee shall provide professional development as necessary to assist staff in developing consistent classroom management skills, implementing effective disciplinary techniques, and establishing cooperative relationships with parents/guardians.

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parent/guardian

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CIVIL CODE

1714.1 Parental liability for child's misconduct

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Approved: March, 2011

Revised: October, 2018

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5144

REGULATIONS REGARDING DISCIPLINE

In developing site-level disciplinary rules, the Principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups:

1. Parents/guardians
2. Teachers
3. School administrators
4. As appropriate, personnel involved in school security
5. For middle and high schools, students enrolled in the school

School rules shall be communicated to students clearly and in age-appropriate manner. It shall be the duty of each employee of the school to enforce the school rules on student discipline.

Disciplinary Strategies

Positive behavior support for student behavior includes and is not limited to: restorative practices, social emotional learning [SEL], Universal Design for Learning [UDL] and trauma responsive practice. To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when a student's presence causes a danger to himself/herself or others or he/she commits a single act of a grave nature or an offense for which suspension or expulsion is require by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

1. Use of positive behavior supports with universal, supplemental and intensive interventions that occur during the school day on campus
2. Discussion or conference between school staff and the student and his/her parents/guardians
3. Instruction in social emotional learning that teaches students the five competencies: self-awareness, self-management, social awareness, relationship skills, responsible decision making
4. Instruction in prosocial behavior or anger management
5. Use of restorative practices Referral of the student to the school counselor or other school support service personnel for case management and counseling
6. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan
7. Convening a student success team, or other intervention-related team, to develop and implement an appropriate plan to address the behavior in partnership with the student and his/her parents/guardians
8. After-school opportunities that address specific behavioral issues or expose students to positive activities and behaviors.
9. Detention after school hours as provided in the section below entitled "Detention After School"; Community service as provided in the section below entitle "Community Service"

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10. In accordance with Butte County Superintendent's Policies and Administrative Regulations, restriction or disqualification for participation in extracurricular activities
11. Reassignment to an alternative educational environment or referral to the District of Record
12. Suspension and expulsion in accordance with law, Butte County Office of Education Superintendent's Policy and Administrative Regulations

Corporal Punishment

The use of corporal punishment as defined in Education Code § 49001 is prohibited as a disciplinary measure or intervention against any student.

Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student.

Corporal punishment does not include any pain or discomfort suffered by a student as a result of his/her voluntary participation in an athletic or other recreational competition or activity. In addition, an employee's use of force that is reasonable and necessary to protect himself/herself, students, staff, or other persons, to prevent damage to property, or to obtain possession of weapons or other dangerous objects within the control of the student is not corporal punishment.

Detention After School

If a student will miss his/her school bus due to being detained after school, or if the student is not transported by school bus, the Principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the Principal or designee notifies the parent/guardian.

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs.

Students shall remain under the supervision of an employee during the period of detention.

Community Service

As part of or instead of disciplinary action, the County Superintendent, Principal, or Principal's designee may, at his/her discretion, require a student to perform community service during non-school hours, on school grounds, or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs.

This community service option is not available for a student who has been suspended or pending expulsion. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension.

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Notice to Parents/Guardians and Students

At the beginning of the school year, the County Superintendent or designee shall notify parents/guardians, in writing, about the availability of Butte County Office of Education rules related to discipline.

The County Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in Butte County Office of Education schools.

Approved: March, 2011

Revised: October, 2018

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AR 5144.1

REGULATIONS REGARDING SUSPENSION AND EXPULSION / DUE PROCESS

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following:

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the County Superintendent for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel.

Day means a calendar day unless otherwise specifically provided.

School day means a day upon which the schools of the district are in session or weekdays during the summer recess.

Student includes a student's parent/guardian or legal counsel.

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office.

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases.

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension, and expulsion.

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon another person, except in self-defense.

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Because of the complexities of criminal law, this issue may be difficult for school administrators to apply in a school setting and legal counsel should be consulted as appropriate.

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury.

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as controlled substance, alcoholic beverage, or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
11. Knowingly received stolen school property or private property.
12. Possessed an imitation firearm.
Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4.
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
16. Engaged in, or attempted to engage in, hazing.

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Hazing means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events.

17. Engaged in an act of bullying.

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with her/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below under "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school – sanctioned activities.

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

- a. A message, text, sound, video, or image
- b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability.

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31. Note that a student may be suspended but not expelled for aiding or abetting as defined in Penal Code 31, the infliction or attempted

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infliction of physical injury to another, but any student who aids or abets a crime of physical violence which the victim suffered great bodily injury or serious bodily injury is subject to suspension or expulsion as provided in item #1 above.

19. Made terrorist threats against school officials and/or school property.
A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out.

Additional Grounds for Suspension and Expulsion: Grades 4-12

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.

In addition, a student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

1. Committed sexual harassment as defined in Education Code 212.5.
Sexual harassment means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment.
2. Cased, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233.
Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation.
3. Intentionally engaged in harassment, threats, or intimidation against Butte County Office of Education personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment.

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any school under the jurisdiction of the Assistant Superintendent of Student Programs and Educational Services or Principal or within any other school district, including, but not limited to, the following circumstances:

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

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The Assistant Superintendent or Principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program.

Alternatives to suspension or expulsion shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

Administrators may take appropriate action when information becomes available about student misconduct that originates away from school grounds or school activities that has a direct and detrimental effect on or seriously threatens the discipline, education environment, safety or general welfare of students, faculty, staff and/or administrators of Butte County Office of Education schools. When assessing the impact of conduct or behavior originating away from school grounds, staff, students, and/or the educational environment, school administrators will take into consideration the seriousness of the alleged student conduct and the protection of students, faculty, staff and administrators from the effects of violence, drugs, disruption of the educational environment, or other relevant factors. School administrators should evaluate each situation relating to conduct originating away from school ground son a case-by-case basis. Student conduct originating away from school grounds, which may be subject to discipline as provided herein includes but is not limited to electronic acts that result in a substantial disruption to the educational environment, or for which a substantial disruption to the educational environment is reasonably foreseeable under the circumstances.

Removal from Class by a Teacher/Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-19 under "Grounds for Suspension and Expulsion" for grades allowable under Education Code.

A teacher also may refer a student to the principal or designee for consideration of suspension from school.

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed.

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests.

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal.

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A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed.

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal.

In Butte County Office of Education Superintendent's Policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law.

Suspension by Assistant Superintendent, Principal, or Principal's Designee

The Assistant Superintendent or Principal shall immediately suspend any student found at school or at a school activity to be:

1. Possessing, as verified by a Butte County Office of Education employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence. The act of possessing an imitation firearm, defined under Education Code § 48900, subdivision [m], is not an offense for which suspension or expulsion is mandatory, but is an offense for which suspension, or expulsion pursuant to Education Code § 48915, subdivision [e]
2. Brandishing a knife, at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code § 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code § 48900 subdivision [n]
5. Possession of an explosive Pursuant to title 18 United States Code § 921, explosive means a destructive device and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device. A destructive device includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive.

The Assistant Superintendent or Principal may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons.

For all other offenses, a student may be suspended on when the Assistant Superintendent or principal has determined that other means of correction have failed to bring about proper conduct.

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When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Assistant Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record.

The Assistant Superintendent or principal may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion.

A student may be suspended from school for not more than 20 school days in any school year unless, for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion.

Butte County Office of Education schools may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year.

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Assistant Superintendent, principal, or principal's designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required under Education Code § 48900.5, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. This conference may be omitted if the Assistant Superintendent, principal, or designee determines that an emergency situation exists. An emergency situation involves a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school.
2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Assistant Superintendent or designee.
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. This notice shall state the specific offense committed by the student.
In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters

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- pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.
4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matter.
While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference.
 5. Extension of Suspension: If the County Superintendent is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Assistant Superintendent or designee may, in writing, extend the suspension until such time as the County Superintendent has made a decision, provided the following requirements are following:
 - a. The extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
 - b. The Assistant Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process.
 - c. If the student involved is a foster youth, the Assistant Superintendent or designee shall notify the liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting
 - d. If the student involved is a homeless child or youth, the Assistant Superintendent or designee shall notify the liaison for homeless students.

Suspension by the County Superintendent

The County Superintendent may suspend a student for any of the acts listed above.

The County Superintendent may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed above have occurred. The suspension shall meet the requirements of Education Code 48915.

Supervised Suspension Classroom

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school, students, or staff may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply:

1. The supervised suspension classroom shall be staffed in accordance with law.

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2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the Principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing.

Authority to Expel

A student may be expelled only by the County Superintendent. As required by law, the Assistant Superintendent or designee, or principal shall recommend expulsion and the County Superintendent shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds:

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed under "Grounds for Suspension and Expulsion: Grades K-12: and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Assistant Superintendent, or designee, or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the County Superintendent shall order the student expelled only if it makes a finding of either or both of the following:

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

No student shall be expelled for disruption or willful defiance.

Mandatory Recommendation for Expulsion

Unless the Principal, Assistant Superintendent or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts:

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1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife, explosive, or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Assistant Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time.

Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the Principal or Assistant Superintendent determines that that student has committed the act[s] that form the basis for the expulsion recommendation.

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the County Superintendent's discretion.

If the County Superintendent finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Assistant Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held.

If the County Superintendent finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code § 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year.

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness.

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Whenever the Assistant Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of Butte County Office of Education's suspension and expulsion policy and regulation and shall advise the witness of his/her right to:

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Assistant Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending.

Written Notice of the Expulsion Hearing

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include:

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, to provide information about the student's status in Butte County Office of Education schools to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).
5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a non-attorney advisor.
Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.
Non-attorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.
6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

If the student facing expulsion is a foster student, the Assistant Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing.

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If the student facing expulsion is a homeless student, the Assistant Superintendent or designee shall also send notice of the hearing to the liaison for homeless students at least 10 days prior to the hearing.

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call.

Conduct of Expulsion Hearing

1. Closed Session: the County Superintendent shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated.

Whether the expulsion hearing is held in closed or public session, the County Superintendent may meet in closed session to deliberate and determine whether or not the student should be expelled. If the County Superintendent admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session.

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television.

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.
3. Subpoenas: Before commencing a student expulsion hearing, the County Superintendent may issue subpoenas, at the request of either the student or the Assistant Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the County Superintendent or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20.

Any objection raised by the student or the Assistant Superintendent or designee to the issuance of subpoenas may be considered by the County Superintendent if so requested by the student, before the meeting.

The County Superintendent's decision in response to such an objection shall be final and binding.

If the County Superintendent determines or if the hearing officer or administrative panel finds that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness

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- at the hearing. However, that witness may be compelled to testify by means of a sworn declaration.
4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the County Superintendent to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above.
- Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.
- In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.
5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student:
- a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
 - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
 - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
 - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, Butte County Office of Education shall provide a nonthreatening environment.

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- (1) Butte County Office of Education shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
 - (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
6. Decision Within 10 School Days: The County Superintendent's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed.

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the County Superintendent may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the County Superintendent may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be on the staff of the school in which the student is enrolled.

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the County Superintendent, including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests the decisions to be postponed.

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the County Superintendent. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the Student's parent/guardian.

Before the student's placement decision is made by his/her parent/guardian, the Assistant Superintendent or principal shall consult with the parent/guardian and County staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion was made. The decision to not recommend expulsion shall be final.

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If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the County Superintendent. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The County Superintendent may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the County Superintendent may order.

In accordance with the Butte County Office of Education Superintendent's Policy, the hearing officer or administrative panel may recommend that the County Superintendent suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the County Superintendent expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the County Superintendent has ruled on the recommendation.

The County Superintendent shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed.

Final Action by the County Superintendent

If the County Superintendent conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

Upon ordering an expulsion, the County Superintendent shall set a date when the student shall be reviewed for readmission to school. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the County Superintendent may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the County Superintendent shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred.

At the time of the expulsion order, the County Superintendent shall recommend a plan for the student's rehabilitation, which may include:

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

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With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school.

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian
3. Notice of the right to appeal the expulsion to the County Board of Education
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's expulsion status

Decision Not to Enforce Expulsion Order

In accordance with the Butte County Office of Education Superintendent's Policy, when deciding whether to suspend the enforcement of an expulsion, the County Superintendent shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The County Superintendent may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked if the student commits any of the acts listed above or violates any Butte County Office of Education Superintendent's Policies or Administrative Regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the County Superintendent shall reinstate the student in a Butte County Office of Education school.

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- Upon reinstatement, the County Superintendent may order the expunging of any or all records of the expulsion proceedings.
6. The County Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the Butte County Board of Education, the alternative educational placement to be provided to the student during the time of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's expulsion status.
 7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the Butte County Board of Education.

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the County Superintendent's decision with the Butte County Board of Education. The appeal must be filed within 30 days of the County Superintendent's decision to expel, even if the expulsion action is suspended and the student is placed on probation.

The student shall submit a written request for a copy of the written transcripts and supporting documents from Butte County Office of Education simultaneously with the filing of the notice of appeal with the Butte County Board of Education. Butte County Office of Education shall provide the student with these documents within 10 school days following the student's written request.

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the Principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault, which may have violated Penal Code 245.

The Principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students or nonstudents regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous.

Within one school day after a student's suspension or expulsion, the Principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind.

Post-Expulsion Placements

The County Superintendent shall refer expelled students to a program of study that is:

1. Appropriately prepared to accommodate students who exhibit discipline problems

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2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

When the placement described above is not available, and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12: and items #1-3 under "Additional Grounds for suspension and Expulsion: Grades 4-12" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school.

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12.

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the County Superintendent when it ordered the expulsion, Butte County Office of Education shall consider readmission of the student.
2. The Assistant Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Assistant Superintendent or designee shall verify that the provisions of this plan have been met. Butte County Office of Education Administrative Regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Assistant Superintendent or designee shall transmit to the County Superintendent his/her recommendation regarding readmission. The County Superintendent shall consider this recommendation.
4. If the readmission is granted, the Assistant Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the County Superintendent's decision regarding readmission.
5. The County Superintendent may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other students or employees.
6. If the County Superintendent denies the readmission of a student, the County Superintendent shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
7. The County Superintendent shall provide written notice to the expelled student and parent/guardian describing the reasons for denying re-admittance into the regular program. This notice shall indicate the County Superintendent's determination of the educational program which the County Superintendent has chosen. The student shall

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enroll in that program unless the parent/guardian chooses to enroll the student in another school district.

No student shall be denied readmission into Butte County Office of Education schools based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system.

Maintenance of Records

The Assistant Superintendent shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school.

The Assistant Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from Butte County Office of Education schools.

Outcome Data

The Assistant Superintendent or designee shall maintain the following data:

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Approved: March, 2010

Revised: October, 2018

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5144.2

REGULATIONS REGARDING SUSPENSION AND EXPULSION / DUE PROCESS (STUDENTS WITH DISABILITIES)

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act is subject to the same grounds for suspension and expulsion which apply to students without disabilities, except as otherwise specified below.

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been officially identified as a student with a disability pursuant to IDEA and who has engaged in behavior that violated the code of student conduct may assert any of the protections under IDEA only if Butte County Office of Education had knowledge that the student is disabled before the behavior that precipitated the disciplinary action occurred.

Butte County Office of Education shall be deemed to have knowledge that the student has a disability if one of the following conditions exists:

1. The parent/guardian has expressed concern to supervisory or administrative personnel in writing, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education
3. The teacher of the student or other personnel has expressed specific concerns directly to the Director of Special Education or to other supervisory personnel about a pattern of behavior demonstrated by the student.

Butte County Office of Education would be deemed to not have knowledge that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, Butte County Office of Education would be deemed to not have knowledge if they conducted an evaluation and determined that the student was not an individual with a disability. When Butte County Office of Education is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities.

The Assistant Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement.

The Principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

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Butte County Office of Education shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under any of the following circumstances:

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
 - a. The series of removals total more than 10 school days in a school year.
 - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
 - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If the removal has been determined to be a change of placement as specified above, the student's IEP team shall determine the appropriate educational services.

Services During Suspension

Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP.

If a student with a disability is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified in his/her IEP.

Interim Alternative Educational Placement Due to Dangerous Behavior

Butte County Office of Education may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function:

1. Carries or possesses a weapon
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance
4. Inflicts serious bodily injury upon another person

The student's interim alternative educational setting shall be determined by his/her IEP team.

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice.

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A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the student code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice
2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.

At the manifestation determination review, Butte County Office of Education, the student's parent/guardian, and relevant members of the IEP team (as determined by Butte County Office of Education and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following:

- a. Caused by or had a direct and substantial relationship to the student's disability
 - b. A direct result of Butte County Office of Education's failure to implement the student's IEP, in which case immediate steps shall taken to remedy those deficiencies
- If the manifestation review team determines that a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability.
3. Determination that Behavior is a Manifestation of the Student's Disability: When the conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior.

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian, district, and/or Butte County Office of Education agree to a change of placement as part of the modification of the behavioral intervention plan.

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4. Determination that Behavior is Not a Manifestation of the Student's Disability: If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities.

The student shall receive services to the extent necessary to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Due Process Appeals

If the parent/guardian disagrees with any Butte County Office of Education decision regarding placement, he/she may appeal the decision by requesting a hearing. Butte County Office of Education may request a hearing if they believe that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a hearing, the requesting party shall file a complaint. Pursuant to 34 C.F.R. §§ 300.508, and 300.508[a] and [b].

Whenever a hearing is requested as specified above, the parent/guardian, district, and/or Butte County Office of Education shall have an opportunity for an expedited due process hearing consistent with requirement specified in 34 C.F.R. §§ 300.507, 300.508 [a]-[c], and 300.510-300.514.

If the student's parent/guardian or Butte County Office of Education has initiated a due process hearing, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and Butte County Office of Education agree otherwise.

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Suspension of Expulsion

The County Superintendent's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students.

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students.

BUTTE COUNTY OFFICE OF EDUCATION SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian.

Report to County Superintendent of Schools

The Assistant Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action.

Approved: March, 2010

Revised: October, 2018

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5145.1

PRIVACY

The County Superintendent recognizes that personal beliefs are a private matter. Without the written notice and written consent of a parent/guardian, no student shall be given any test, survey, questionnaire or examination containing questions about personal or family beliefs or practices in sex, family, life, morality, or religion.

As required by law, school or program counselors shall respect the confidentiality of any personal information disclosed by students 12 years of age or older during the course of educational counseling. Personal information given to a counselor by the parent/guardian of a student 12 or older shall also be kept confidential and included in the student's record only with the parent/guardian's written consent. Exceptions shall be made only as provided by law.

Legal Reference:

EDUCATION CODE

49602 Confidentiality of pupil information

51513 Materials containing questions about beliefs or practices in sex, family life, morality and religion

Approved: July, 2004

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5145.2

FREEDOM OF SPEECH/EXPRESSION

The County Superintendent believes that free inquiry and exchange of ideas are essential parts of a democratic education. The County Superintendent respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

On-Campus Expression

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications.

Student expression on the Butte County Office of Education or school Internet web sites and online media shall generally be afforded the same protections as in print media.

Students' freedom of expression shall be limited only as allowed by Education Code 48907, 48950, and other applicable state and federal laws.

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school's orderly operation.

The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

School officials shall not engage in prior restraint of material prepared for official school publications except insofar as the content of the material violates the law.

The Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected.

Off-Campus Expression

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program. The Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Legal Reference:

EDUCATION CODE

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

51520 Prohibited solicitations on school premises

Approved: November, 2007

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5145.3

NON-DISCRIMINATION/HARASSMENT

The County Superintendent desires to ensure equal opportunities for all students in admission and access to the district's educational programs, guidance and counseling programs, athletic programs, testing procedures, and other activities. Programs and activities shall be free from discrimination, including harassment, with respect to a student's actual or perceived sex, gender, ethnic group identification, race, national origin, religion, color, physical or mental disability, age, or sexual orientation.

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

School staff and volunteers shall carefully guard against segregation, bias, and stereotyping in the delivery of services, including, but not limited to, instruction, guidance, and supervision.

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

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

Grievance Procedures

The County Superintendent hereby designates the following position as Coordinator for Non-discrimination to handle complaints regarding discrimination and harassment and inquiries regarding non-discrimination policies:

Assistant Superintendent of Human Resources
Butte County Office of Education 1859 Bird Street Oroville, CA 95965
(530)532-5782

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

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Upon receiving a complaint of discrimination or harassment, the Coordinator shall immediately investigate the complaint in accordance with site-level grievance procedures.

The County Superintendent or designee shall ensure that the student handbook clearly describes the non-discrimination policy, procedures for filing a complaint regarding discrimination or harassment, and the resources that are available to students who feel that they have been the victim of discrimination or harassment.

Butte County Office of Education Superintendent's Policy may also be posted on the Butte County Office of Education website or any other location that is easily accessible to students.

Legal Reference:

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

49020-49023 Athletic programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

PENAL CODE

422.55 definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

2000d – 2000e 17 Title VI and Title VII Civil Rights Act of 1962, as amended

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

CODE OF FEDERAL REGULATIONS, TITLE 34

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

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

Approved: March, 2010

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5145.6

NOTIFICATION TO PARENTS AND STUDENTS

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

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

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the county's printed notifications, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:

EDUCATION CODE

221.5 Policy of state; prohibited discrimination

262.3 Appeals; civil law remedies; notice

17288 Special educational services on university campuses; exemption from school building requirements; notice

32243 School with significant risk factors for lead; notification to personnel and parents

32255-32255.6 Pupil's right to refrain from the harmful or destructive use of animals

32390 Fingerprint program; contracts; funding; fee; consent; transmitting fingerprints to parent/guardian

35183 School dress codes and school uniforms; notice and economic assistance

35256 School accountability report card

35291 Rules

35291.5 Rules and procedures on school discipline; notice

37616 Consultation (continuous school programs)

39831.5 Instruction in school bus emergency procedure and passenger safety

44808.5 Permission for pupils to leave school grounds; notice

46010.1 Confidential medical services; excuse to obtain without consent of parent or guardian; notice to pupils and parents

48216 Immunization requirements and procedures, exclusion of pupils who have not been immunized

46014 Absences for religious purpose

46601 Failure to approve interdistrict attendance; appeal;

48000 Minimum age of admission

48205 Excused absences; average daily attendance computation

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- 48206.3 Pupils with temporary disabilities
- 48207 Pupils with temporary disabilities in hospitals outside of school district; compliance with residency requirements
- 48208 Presence of pupils with temporary disabilities in qualifying hospitals; notice by parent/guardian; commencement of individualized instruction
- 48209.9 Application deadline; waiver; form; notice of acceptance or rejection; appeal; renewal of acceptance (attendance alternatives)
- 48213 Notice to parent or guardian (persons excluded from public school)
- 48260.5 Notice to parent re truancy
- 48263 Referral to attendance review board or probation department
- 48432.5 Involuntary transfers of pupils; rules and regulation; procedure
- 48637.1 Notice of intended assignment (opportunity schools)
- 48900.1 Attendance of suspended child's parent or guardian for portion of school day
- 48904 Liability of parent/guardian for willful pupil misconduct; withholding of grades, diploma and transcripts; voluntary work program
- 48904.3 Withholding grades, diplomas, or transcripts; transfer of pupils to new school districts
- 48906 Notification of parent, guardian or relative of release of pupil to police officer
- 48911 Suspension by principal, designee or superintendent
- 48912 Closed sessions; consideration of suspension or other disciplinary action; notice
- 48915.5 Expulsion of pupils with exceptional needs enrolled in special education programs ; §
- 48916 Expulsion orders; readmission date; rehabilitation plan
- 48918 Rules governing expulsion procedures; hearings; notice
- 48980- 48985 Notification of parent or guardian
- 49063 Notification of parents of their rights (pupil records)
- 49067 Regulations regarding pupil's achievement
- 49068 Transfer of permanent enrollment and scholarship record
- 49069 Absolute right to access (pupil records)
- 49070 Challenging content of records
- 49073 Release of directory information
- 49077 Disclosure of student information; compliance with court order or lawfully issued subpoena; notification of pupil or guardian
- 49302 Parental consent (school safety patrols)
- 49332 Notifications of parent/guardian; retention of object by school personnel; release
- 49403 Cooperation in control of communicable disease and immunization of pupils
- 49423 Administration of prescribed medication for pupil
- 49451 Parent's refusal to consent (physical examinations)
- 49452.5 Scoliosis screening; notice; immunity from liability
- 49455 Vision appraisal; § 49456 Report to parent
- 49470 Medical and hospital services for athletic program
- 49471 Medical and hospital services not provided or available
- 49472 Medical and hospital services for pupils
- 49473 Distribution of printed matter regarding medical and hospital services

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49480 Continuing medication regimen for non-episodic conditions; required notice to school employees

49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970

51201.5 Instruction on AIDS and AIDS prevention

51240 Excuse from health, family life, and sex education due to religious beliefs

51513 Materials containing questions about beliefs or practices in sex, family life, morality and religion; requirements

51550 Sex education courses

51820 Venereal disease instruction; written notification to parent; inspection of instructional material; consensual pupil participation

54444.2 Migrant education programs; parental involvement

56000-56885 Special education, especially

56301 Child-find system, policies and procedures

56321 Development or revision of individualized education program; proposed assessment plan; notice of parental rights; consent of parents

56329 Notice to parent; independent educational assessment; hearings

56341 Individualized education program team

56343.5 IEP team meetings

56346 Parental notice of program; consent; due process hearing; pre-hearing mediation conference

56366 Nonpublic, nonsectarian schools; contracts

56380 IEP reviews; notice of rights to request reviews

56500.3 Dispute resolution; mediation

56501 Due process hearing; procedures; initiation

56502 Requests for due process hearings; informal meeting; notice to parties; availability of services within geographical area

56504 School records; inspection and reproduction

56506 Due process rights of pupil and parent

58501 Notice required prior to establishment (alternative schools)

60614 Personal beliefs or practices

Approved: July, 2005

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5145.7

SEXUAL HARASSMENT

The County Superintendent is committed to maintaining an educational environment that is free from harassment and discrimination. The County Superintendent prohibits sexual harassment of students by other students, employees, or other persons, at school or at school-sponsored or school-related activities. The County Superintendent also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in the complaint processes.

Instruction/Information

The County Superintendent or designee shall ensure that all 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
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 procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

Any student who feels that he/she is being or has been sexually harassed by a school employee, another student, or a non-employee on school grounds or at a school-related activity 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. The County Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the County 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 of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, 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.

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

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Legal Reference:

CIVIL CODE

Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

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

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

Approved: March, 2009

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5145.7

REGULATIONS REGARDING SEXUAL HARASSMENT

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

1. Submission to the conduct is explicitly or implicitly made a term or condition of 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

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

School-Level Complaint Process/Grievance 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

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- 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 consider 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 in determining whether it is reasonable to pursue an investigation.
 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.
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.
 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-to-student harassment, when the student who complained and the alleged harasser so agree, the Coordinator/Principal may arrange for

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them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

7. Factors in Reaching a Determination: In reaching a decision about the complaint, the 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 sexual 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 also 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 County 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:

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

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

Notifications

A copy of Butte County Office of Education's sexual harassment policy and regulation shall:

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

Approved: March, 2009

Revised:

BUTTE COUNTY OFFICE OF EDUCATION
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EXHIBIT A (AR 5145.7)

Butte County Office of Education
CONFIDENTIAL

STUDENT SEXUAL HARASSMENT COMPLAINT

SECTION 1: (To be completed by Principal/Designee and submitted to the Investigative Team)

Date: _____ School: _____

Student: _____ Grade: _____

Give a brief but thorough account of the events leading to the charge of sexual harassment.

1. Description of the incident – what, when, where, who
2. Explanation the accused student gave regarding the alleged misconduct
3. Alleged victim's explanation and statement
4. Explanations and statements from any witnesses
5. Statement about notification to the parents and what was discussed
6. Whether or not the incident was reported to the police and, if so, what action was taken

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SECTION 2: Investigative Team's Decision

Date: _____

____ Evidence does not fall within the described parameters of sexual harassment. (See attached explanation)

____ Evidence verifies a harassment complaint based on "reasonable" standards and norms within the school, community and society. (See attached)

____ Principal/designee to take disciplinary action in regard to the harassment complaint which may include but not be limited to written warnings, suspension, or expulsion.

____ Additional comments:

Approved: March, 2009

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5145.11

QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT

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

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

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

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

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

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

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

Subpoenas

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

Legal Reference:

EDUCATION CODE

44807 Duty concerning conduct of pupils

48264 Arrest of truants

48265 Delivery of truant

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48902 Notice to law enforcement authorities

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

48909 Narcotics and other hallucinogenic drugs (re arrest)

CODE OF CIVIL PROCEDURE

416.60 Service of summons or complaint to a minor

PENAL CODE

830-832.17 Peace officers

1328 Service of subpoena

WELFARE AND INSTITUTIONS CODE

627 Custody of minor

CODE OF REGULATIONS, TITLE 5

303 Duty to remain at school

Approved: July, 2011

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5145.12

SEARCH AND SEIZURE

The County Superintendent is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or Butte County Office of Education property under their control and may seize illegal, unsafe, or otherwise prohibited items.

The County Superintendent urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Butte County Office of Education Superintendent's Policy, and Administrative Regulations.

Individual Searches

School officials may search any individual student, his/her property, or Butte County Office of Education property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Butte County Office of Education Superintendent's Policy, Administrative Regulations, or other rules of the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation.

The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, back-packs, student vehicles parked on Butte County Office of Education property, cellular phones, or other electronic communication devices.

Any search of a student, his/her property, or Butte County Office of Education property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

Employees shall not conduct strip searches or body cavity searches of any student.

Searches of individual students shall be conducted in the presence of at least two district employees.

The Principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

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Searches of Multiple Student Lockers/Desks

All student lockers and desks are the property of Butte County Office of Education. The Principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

48900-48927 Suspension and expulsion

49050-49051 Searches by school employees

49330-49334 Injurious objects

PENAL CODE

626.9 Firearms

626.10 Dirks, daggers, knives or razor

CALIFORNIA CONSTITUTION – ARTICLE I, SECTION 28

RIGHT TO SAFE SCHOOLS

Approved: November, 2008

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5145.13

RESEARCH ON STUDENTS

Research on students in the schools and programs of the Butte County Office of Education beyond the conventional testing program (both county-wide and for the purposes of evaluation of the individual student) shall not be carried on except under the following circumstances:

1. The research design has been presented to and approved by the Assistant Superintendent.
2. All research instruments, including but not limited to questionnaires, surveys and interview forms, have been submitted to and approved by the Assistant Superintendent.
3. Adequate care has been taken to protect individuals students under regulations concerning student records, confidentiality and other provisions of law.
4. A final copy of all research reports, thesis, dissertations and/or surveys, including analyses and conclusions, shall be presented to the County Superintendent.
5. The Butte County Office of Education shall have the rights to refuse publication rights if it believes that the research was not carried out according the highest standards of research, that the analysis and/or conclusion presents a biased or incorrect position, that the research was not carried out according to the approved research design, or that publication of the research study will present an immediate danger to the education program.

The County Superintendent, or designee shall determine the manner of release, the time, place and to whom the findings will be released.

Legal Reference:

EDUCATION CODE

35172 Promotional activities (particularly 35172 (a) concerning research)

Approved: July, 2004

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5146

MARRIED / PREGNANT / PARENTING STUDENTS

Married, pregnant and parenting students in the Butte County Office of Education programs shall have the same educational opportunities as all students.

For school-related purposes, married students under the age of eighteen (18) are emancipated minors and have all the rights and privileges of a student who is 18, even if the marriage has been dissolved.

The County Superintendent believes that pregnancy and parenting should not be a barrier to education or a reason for dropping out of school. Rather than ending the teenager's need for education, pregnancy and parenting increase the need to cope with adult responsibilities and to prepare for an economically self-sufficient future.

The instructional program provided for pregnant students shall be determined on a case by case basis and shall be appropriate to the student's individual needs. The student may continue attending school in the regular classroom setting, may attend a separate program established for pregnant students, or may pursue a home instruction or independent study program. When selecting the program to be followed, the student shall be encouraged to consult with her spouse, registered domestic partner, parent/guardian, physician, and appropriate Butte County Office of Education staff.

Legal Reference:

EDUCATION CODE

2551.3 Pregnant minors programs operated by county superintendent of schools

8900-8902 Pregnant minors program

48410(c) Persons exempted from continuation classes

49558 Confidentiality of applications and records

49559 Reimbursement rates; qualification of pregnant or lactating students for programs

FAMILY CODE

Emancipated minor; description

Approved: July, 2010

Revised:

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5147

DROPOUT PREVENTION

The County Superintendent is deeply concerned about the many students who leave school without graduating. The County Superintendent particularly desires to provide a learning environment conducive to keeping in school those "high-risk" students who are susceptible to frequent absenteeism, truancy, or tardiness, or who have the potential to drop out because of pregnancy or marriage, financial needs, dislike of school, classes, or teachers, lack of basic skills, disciplinary problems, low self-esteem, emotional or physical problems, or feelings of alienation.

The County Superintendent sees every student as a valuable individual to be carefully nurtured and equipped to become a productive citizen. Because children all differ, variations of pace, topic and activity are needed to challenge and interest them. Besides seeking continual improvement in the quality and relevancy of our educational programs, the County Superintendent encourages the use of appropriate dropout prevention strategies. Further, the County Superintendent supports SARB to reduce absenteeism and tardiness of students within all schools.

Legal Reference:

EDUCATION CODE

1040 Duties of boards

1240 General duties

54690-54697 Partnership academics

Approved: July, 2004

Revised:;

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SP 5148

CHILD CARE AND DEVELOPMENT

The County Superintendent desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

The County Superintendent or designee shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and inform parents/guardians about child care options.

The County Superintendent shall enter into a contract with the California Department of Education for the provision of child care and development services by Butte County Office of Education.

The County Superintendent shall approve a written philosophical statement, goals, and objectives for the child care and development program that reflect the cultural and linguistic characteristics of the families to be served and address the program components and administrative regulation.

As needed, the County Superintendent or designee may identify Butte County Office of Education facilities that have capacity to provide child care and development services and/or may enter into an agreement with a public agency or community organization to use community facilities for the purpose of providing such services.

Admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a medical assessment requirement.

The County Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities.

When all families eligible for subsidized services have been served, priority for admissions shall be given to Butte County Office of Education students and children of Butte County Office of Education employees.

The County Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

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The County Superintendent or designee shall annually conduct an evaluation of the child care and development services in accordance with state requirements. The evaluation report shall be submitted to the County Superintendent and the California Department of Education along with an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement.

Legal Reference:

EDUCATION CODE

8200-8499.10 Child Care and Development Services Act, especially
8200-8209 General provisions for child care and development services
8210-8216 Resource and referral program
8220-8226 Alternative payment program
8230-8233 Migrant child care and development program
8235-8239 California state preschool program
8240-8244 General child care programs
8250-8252 Programs for children with special needs
8263 Eligibility and priorities for subsidized child development services
8278.3 Child Care Facilities Revolving Fund
8360-8370 Personnel qualifications
8400-8409 Contracts
8482-8484.6 After-school education and safety program
8484.7-8484.8 21st Century community learning centers
8493-8498 Facilities
8499-8499.7 Local planning councils
17609-17610 Integrated pest management, applicability to child care facilities
49540-49546 Child care food program
49570 National School Lunch program
54740-54749.5 Cal-SAFE program for pregnant/parenting students and their children
56244 Staff development funding

HEALTH AND SAFETY CODE

1596.70-1596.895 California Child Day Care Act
1596.90-1597.21 Day care centers
120325-120380 Immunization requirements

CODE OF REGULATIONS, TITLE 5

18000-18434 Child care and development programs, especially
18012-18122 General requirements
18180-18192 Federal and state migrant programs
18210-18213 Severely handicapped program
18220-18231 Alternative payment program
18240-18248 Resource and referral program
18270-18281 Program quality, accountability
18290-18292 Staffing ratios
18295 Waiver of qualifications for site supervisor

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18300-18308 Appeals and dispute resolution

80105-80125 Commission on Teacher Credentialing, child care and development permits

CODE OF REGULATIONS, TITLE 22

101151-101239.2 General requirements, licensed child care centers, especially

101151-101163 Licensing and application procedures

101212-101231 Continuing requirements

101237-101239.2 Facilities and equipment

CODE OF REGULATIONS, TITLE 42

1751-1769 School lunch programs

9831-9852 Head Start programs

9858-9858q Child care and development block grant

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch program

CODE OF FEDERAL REGULATIONS, TITLE 45

98.2-98.93 Child care and development fund

Approved: July, 2011

Revised:

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AR 5148

REGULATIONS REGARDING CHILD CARE AND DEVELOPMENT

Licensing

All Butte County Office of Education child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code. The license shall be posted in a prominent, publicly accessible location in the facility. Licensed child care centers shall be subject to the requirements of Health and Safety Code.

Program Components

Butte County Office of Education's child care and development program shall include the following components:

1. A developmental profile recording each child's physical, cognitive, social, and emotional development which shall be used to plan and conduct developmentally and age-appropriate activities.
Program staff shall complete the "Desired Results Developmental Profile," available from the California Department of Education, for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages.
2. An educational program, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs.
3. A staff development program.
4. Parent/guardian involvement and education which involves parents/guardians through an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress.
5. A health and social services component which includes referrals to appropriate community agencies as needed.
6. A community involvement component.
7. A nutrition component which ensures that children in the program have nutritious meals, beverages, and snacks that meet state and federal standards.
8. An annual plan for program evaluation which conforms with the state's "Desired Results for Children and Families" system and includes, but is not limited to, a self-evaluation, parent survey, and environment rating scale using forms provided by the California Department of Education.

Staffing Ratios

Butte County Office of Education's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios based on the ages of the children served.

Enrollment

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written

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referral from a legal, medical, or social services agency. If unable to enroll a child in this category, Butte County Office of Education shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located.

Second priority for enrollment shall be given equally to families who are income eligible. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first.

Butte County Office of Education's decision to approve or deny services shall be communicated to the family through a written notice mailed or delivered within 30 days from the date the application is signed by the parent/guardian. If services are approved, the notice shall contain the basis of eligibility, daily/hourly fee, if applicable, duration of the eligibility, names of children approved to receive services, and the hours of service approved for each day. If services are denied, the notice shall contain the basis of denial and instructions on how the parents/guardians may request a hearing if they do not agree with Butte County Office of Education's decision.

After all children eligible for subsidized services have been enrolled, Butte County Office of Education may enroll children in accordance with any other priorities.

The County Superintendent or designee shall maintain a waiting list in accordance with admission priorities and shall contact applicants in order of priority from the waiting list as vacancies occur.

The County Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the completed and signed application for services and records used to determine the child's eligibility and need.

Fees

Except when prohibited by law, the County Superintendent or designee may charge fees for services according to the fee schedule established by the Superintendent of Public Instruction, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least.

Families receiving services on the basis of having a child at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months. Families receiving services on the basis of having a child receiving child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months. The cumulative period of exemption from these fees for these families shall not exceed 12 months.

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Fees shall be collected prior to providing services and shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of Butte County Office of Education's regulations regarding fee collection at the time of initial enrollment into the program.

The County Superintendent or designee shall establish a process which includes parents/guardians in determining whether and how much to charge parents/guardians for field trip expenses. This process also shall be used to determine whether to require parents/guardians to provide diapers.

Health Examination

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within six weeks of enrollment, unless the parent/guardian submits a letter stating that such examination is contrary to his/her religious beliefs.

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence and signature of parent/guardian or Butte County Office of Education staff.

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian
2. Family emergency
A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.
3. Time spent with a parent/guardian or other relative as required by a court of law
4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period.

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Any absence due to a reason other than the above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the parents/guardians. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services.

Rights of Parents/Guardians

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of his/her rights including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption.

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to non-custodial parents/guardians when so requested by the responsible parent/guardian.

Records

The County Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the child care and development program, and any other records required by the California Department of Education.

Approved: July, 2011

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5148.2

BEFORE/AFTER SCHOOL PROGRAMS

The County Superintendent desires to provide before school and/or after school enrichment programs that support the regular education program and provide safe, constructive alternatives for students. In order to increase academic achievement of participating students, the content of such programs shall be aligned with the Butte County Office of Education's vision and goals for student learning, its curriculum, and county and state academic standards and shall be integrated with other learning support activities.

When required for federal and state program participation or when otherwise feasible, priority shall be placed on establishing before or after school programs at schools eligible for Title I schoolwide programs, schools that serve a high percentage of students from low income families, and/or schools identified for program improvement.

The establishment of any program shall be approved by the County Superintendent, or designee, and the Principal of each participating school.

The Butte County Office of Education's program shall include:

1. An educational and literacy component in which tutoring or homework assistance is provided in language arts, mathematics, history and social science, computer training, and/or science.
2. An educational enrichment component which may include, but is not limited to fine arts, career technical education, recreation, physical fitness, and prevention activities.

The program also may include support services that reinforce the educational component and promote student health and well being, including but not limited to a nutritional snack, drug and violence prevention programs, counseling/guidance services, character education, and programs that promote parent/guardian involvement and family literacy.

No fee shall be charged for participation in the program.

Legal Reference:

EDUCATION CODE

8263 Eligibility and priorities for subsidized child development services

8350-8359.1 Programs for CalWORKS recipients

8420-8428 21st Century After-School Program for Teens

8460-8480 School-age community child care services

8482-8484.6 After School Education and Safety Program

8484.7-8484.9 21st Century Community Learning Centers

8488.5-8489.9 Six by Six Before- and After-school Program

17264 New construction; accommodation of before- and after-school programs

49430-49436 Nutrition standards

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49553 Free or reduced-price meals
69530-69547.9 Cal Grant program
UNITED STATES CODE, TITLE 20
6314 Title I schoolwide programs
6319 Program improvement
7171-7176 21st Century community learning centers

Approved: March, 2006

Revised:

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 5148.3

REGULATIONS REGARDING PRESCHOOL/EARLY CHILDHOOD EDUCATION

When approved by the California Department of Education under the California State Preschool Program, Butte County Office of Education may operate one or more part-day and/or full-day preschool programs in accordance with law and the terms of the state contract.

Eligibility and Enrollment Priorities for Full-Day and Part-Day Programs

Children eligible for a full-day or part-day California State Preschool Program include those who will have their third or fourth birthday on or before December 2 of the fiscal year in which they are enrolled in the program.

The County Superintendent or designee shall refer to the county's centralized eligibility list to identify children in need of services. Children shall be eligible for subsidized services if their family meets one or more of the criteria specified in Education Code.

For a child to be eligible for the full-day program, his/her family shall, in addition to meeting the above criteria, demonstrate need for the services due to any of the following circumstances:

1. The child is identified by a legal, medical, or social services agency or emergency shelter as a recipient of protective services; as being neglected, abused, or exploited; or as at risk of being neglected, abused, or exploited.
2. The parents/guardians are engaged in vocational training leading directly to a recognized trade, para-profession, or profession; are employed or seeking employment; seeking permanent family housing; or are incapacitated.

First priority for enrollment in any California State Preschool Program shall go to neglected or abused children age 3-4 years who are recipients of child protective services or who are at risk of being neglected, abused, or exploited, upon written referral from a legal, medical, or social service agency. If unable to enroll a child in this category, the child's parent/guardian shall be referred to local resource and referral services so that services for the child can be located.

After all such children are enrolled, Butte County Office of Education shall give priority to eligible children age 4 years prior to enrolling eligible children age 3 years.

Additional Requirements for Full-Day Program

Butte County Office of Education's full-day California State Preschool Program shall operate the number of hours per day necessary to meet the child care and development needs of families and for a minimum of 246 days per year, unless otherwise specified in the program's contract.

Fees for participation in the full-day program shall be assessed and collected in accordance with a fee schedule established by the California State Superintendent of Public Instruction.

Butte County Office of Education shall involve parents/guardians in the decision-making process to determine whether and how much to charge for field trip expenses and whether to require

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parents/guardians to provide diapers. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal.

Families shall establish eligibility for their children for subsidized services at the time of initial enrollment and shall provide ongoing eligibility documentation as changes in income or family size occur. If a child becomes ineligible for subsidized services, he/she shall continue to be eligible for part-day services, if available, or the family shall pay the full cost to remain in the program. If the need for services drops below four hours per day, the child shall be enrolled for only part-day services.

Approved: March, 2009

Revised: