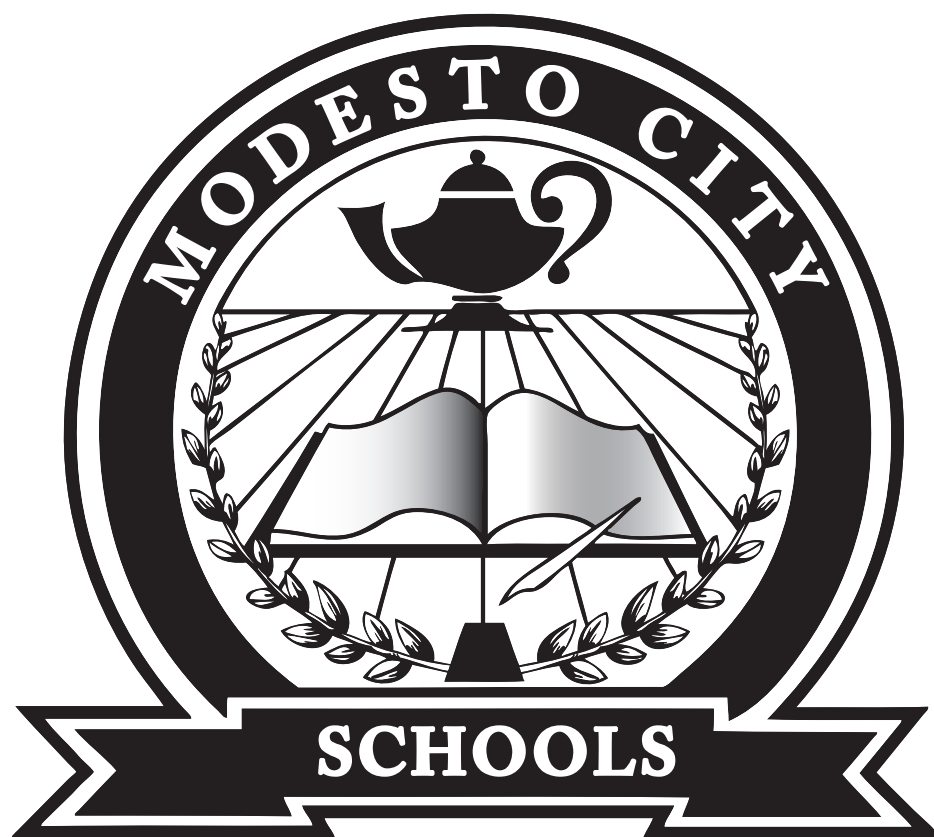


Modesto City Schools 2021-2022



Information Handbook & Conduct Code

Every Student Matters, Every Moment Counts

Choose How You Receive News from your student's school and the District!

Modesto City Schools uses SchoolMessenger to keep parents up-to-date on news and information affecting students, schools and education in general. SchoolMessenger is also used to provide families information in case of an emergency. The information is sent via recorded calls, emails and text messages.

To manage how you receive news and information from your student's school and the District, download the SchoolMessenger app from your app store, or go to go.schoolmessenger.com. Each parent/guardian must create their own account, and have an email address connected to each student's record.

Step-by-step guides to walk you through the account set-up process are available at mcs4kids.com. Look for the SchoolMessenger announcement on the homepage.



SCHOOLMESSENGER®

Know what's happening in Modesto City Schools!

Visit our website - mcs4kids.com

mcs4kids



“Like” us on Facebook - MCS4Kids

Follow us on Twitter - @MCS4Kids



Follow us on Instagram - ModestoCitySchools



Manage how you receive important information from your student's school with [go.schoolmessenger.com!](http://go.schoolmessenger.com)



Modesto City Schools prohibits discrimination, intimidation, harassment (including sexual harassment) or bullying in educational programs, activities, or employment based on a person's actual or perceived race, color, ancestry, nationality/national origin, immigration status, ethnic group identification/ethnicity, age, religion, marital status/ pregnancy/ parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, medical information or association with a person or group with one or more of these actual or perceived characteristics. For questions or complaints, contact Equity Officer and Title IX Compliance Officer: Brad Goudeau, Associate Superintendent, Educational Services, Modesto City Schools – 426 Locust Street, Modesto, CA 95351. Phone: 209-574-1598, Email: Goudeau.b@monet.k12.ca.us.

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Directory of Schools

ELEMENTARY SCHOOLS

<p>ELIHU BEARD 915 Bowen Avenue Modesto, CA 95350 574-1942</p>	<p>BRET HARTE 909 Glenn Avenue Modesto, CA 95358 574-1952</p>	<p>BURBANK 1135 Paradise Road Modesto, CA 95351 574-1962</p>	<p>EL VISTA 450 El Vista Avenue Modesto, CA 95354 574-1972</p>
<p>ENSLLEN 515 Coldwell Avenue Modesto, CA 95354 574-1982</p>	<p>CATHERINE EVERETT 1530 Mt. Vernon Drive Modesto, CA 95350 574-1992</p>	<p>FAIRVIEW 1937 W. Whitmore Avenue Modesto, CA 95358 574-8102</p>	<p>FRANKLIN 120 S. Emerald Avenue Modesto, CA 95351 574-8112</p>
<p>JOHN FREMONT 1220 W. Orangeburg Avenue Modesto, CA 95350 574-8122</p>	<p>WILLIAM GARRISON 1811 Teresa Street Modesto, CA 95350 574-8132</p>	<p>HARRIETTE KIRSCHEN 1900 Kirschen Drive Modesto, CA 95351 574-8142</p>	<p>LAKEWOOD 2920 Middleboro Place Modesto, CA 95355 574-8152</p>
<p>JAMES MARSHALL 515 Sutter Avenue Modesto, CA 95351 574-8162</p>	<p>ALBERTA MARTONE 1413 Poust Road Modesto, CA 95358 574-8172</p>	<p>JOHN MUIR 1215 Lucerne Avenue Modesto, CA 95350 574-8182</p>	<p>ROBERTSON ROAD 1821 Robertson Road Modesto, CA 95351 574-8402</p>
<p>ROSE AVENUE 1120 Rose Avenue Modesto, CA 95355 574-8412</p>	<p>SHACKELFORD 100 School Avenue Modesto, CA 95351 574-8422</p>	<p>SONOMA 1325 Sonoma Avenue Modesto, CA 95355 574-8432</p>	<p>TUOLUMNE (TK-8) 707 Herndon Road Modesto, CA 95351 574-8442</p>
	<p>WILSON 201 Wilson Avenue Modesto, CA 95354 574-8452</p>	<p>ORVILLE WRIGHT 1602 Monterey Avenue Modesto, CA 95354 574-8462</p>	

JUNIOR HIGH SCHOOLS/MIDDLE SCHOOL

<p>EVELYN HANSHAW 1725 Las Vegas Street Modesto, CA 95358 574-1794</p>	<p>LA LOMA 1800 Encina Avenue Modesto, CA 95354 574-1906</p>	<p>MARK TWAIN 707 S. Emerald Avenue Modesto, CA 95351 574-1918</p>
<p>ROOSEVELT 1330 College Avenue Modesto, CA 95350 574-1930</p>	<p>TUOLUMNE (TK-8) 707 Herndon Road Modesto, CA 95351 574-8442</p>	

HIGH SCHOOLS

<p>FRED C. BEYER 1717 Sylvan Avenue Modesto, CA 95355 574-1647</p>	<p>GRACE M. DAVIS 1200 W. Rumble Road Modesto, CA 95350 574-1668</p>	<p>THOMAS DOWNEY 1000 Coffee Road Modesto, CA 95355 574-1685</p>	<p>ROBERT T. ELLIOTT ALTERNATIVE EDUCATION CENTER 1440 Sunrise Avenue Modesto, CA 95350 574-1701</p>
<p>JAMES C. ENOCHS 3201 Sylvan Avenue Modesto, CA 95355 574-1719</p>	<p>JOSEPH A. GREGORI 3701 Pirrone Road Modesto, CA 95356 574-1738</p>	<p>PETER JOHANSEN 641 Norseman Drive Modesto, CA 95357 574-1760</p>	<p>MODESTO 18 H Street Modesto, CA 95351 574-1776</p>

Frequently Called District Phone Numbers

District Office	574-1500
Adult Education	574-8192
After School Education and Safety (ASES)	574-1608
Alternative Education	574-8192
Career Technical Education	574-1628
Child Welfare & Attendance (Intra & Interdistrict Transfer Info)	574-1595
Early Childhood Education	574-1625
English Learner Services	574-1590
Gifted & Talented Education	492-4132
Health Services	574-1605
Healthy Start Programs	
Franklin Elementary Healthy Start	574-1633
Robertson Road Elementary Healthy Start	574-1639
Wright Elementary Healthy Start	574-1643
Hanshaw Middle Healthy Start	574-1637
Downey High Healthy Start	574-1632
Human Resources	574-1606
Information & Educational Technology Services	574-1540
Modesto Virtual Academy (MVA)/Independent Study	574-8192
Nutrition Services	574-1619
Parent Engagement	492-4405
Pupil Records	492-1310
Risk Management (Book/Device Restitution)	492-6334
Scholarship Information	contact your school site
School Boundaries	492-1685
School Leadership	574-1599
Special Education	574-1623
Testing (CAASP/SBAC info)	574-1589
Transcripts	contact site from which you graduated
Transportation (Bus Information)	574-1621
Work Permits (During school year)	visit school site career center
Work Permits (Summer only)	492-5128

Abbreviation Key:

AR - Administrative Regulation (MCS)	E.C. - California Education Code
BP - Board Policy (MCS)	P.C. - California Penal Code
IC - Intervention Center (MCS)	C.A.C. - California Administrative Code, Title 5

Board of Education

The Modesto City Schools (MCS) Board of Education is made up of seven members elected by district from within MCS' boundaries - approximately 250 square miles. MCS is made up of two separate school districts - an elementary district that serves students in grades PreK-8 and a high school district that serves students in grades 9-12. The District provides Early Childhood Education, including Family Child Care Homes, Early Head Start, Head Start, and State Preschool Programs, and extensive alternative and adult education programs. Both districts share the same Board of Education and administrative staff.

Board of Education members serve four-year terms of office. They set District policy based on recommendations from the Superintendent and input from parents and community members. They approve new programs and curriculums, evaluate instructional programs, adopt budgets, select new school sites, approve plans for new buildings, and provide a link between the community and the schools.

Board of Education meetings are open to the public. Meetings are usually held every two or three weeks on Monday evenings, beginning at 6 p.m. in the Staff Development Center, located at 425 Locust Street (west of Highway 99; north of Maze Boulevard). During each meeting, time is set aside for parents and interested community members to speak to the Board on issues of interest. The "Period of Public Presentation" begins at approximately 6:15 p.m. Board meeting agendas are available to the public at Board meetings, or on the Friday afternoon before each regularly scheduled Monday evening meeting in the Superintendent's Office at 426 Locust Street. The agenda is also posted on the District website at www.mcs4kids.com.

In compliance with the Title VI of the Civil Rights Act, if you are Limited English Proficient ("LEP") and need the assistance of an interpreter to participate in a Board of Education meeting, please contact the Superintendent's office at (209) 574-1616, no later than noon on the Friday preceding the board meeting. This will allow the District to make arrangements for an interpreter to be present to ensure the availability of translation services during the meeting. Interpreters shall translate those portions of the meeting requested by the LEP individual, including statements, discussions, and presentations. Although the District anticipates that most requests by LEP individuals shall be for a Spanish language interpreter, the District shall provide interpreters in other languages as applicable.

Board of Education members are here to serve you. Your ideas and concerns are important. For more information on Board of Education meetings, call (209) 574-1616.

Board of Education
Charlene G. West, Ph.D.
President
Adolfo Lopez
Vice President
Chad Brown
John Ervin III
Abel Maestas
Cindy Marks
Homero Mejia

Board Approved 2021-2022 Meeting Dates

July 26, 2021
August 16, 2021
*September 13, 2021
*October 18, 2021
November 8, 2021
November 29, 2021
*December 13, 2021
*January 18, 2022
February 7, 2022
*March 7, 2022
March 28, 2022
April 18, 2022
*May 16, 2022
June 6, 2022
*June 20, 2022

*Changed from usual routine due to holidays/circumstance

PRINCIPLES OF RIGHTS, RESPONSIBILITIES AND RESPECT TO ENSURE A SAFE SCHOOL ENVIRONMENT

"Rights are best guarded and responsibilities best exercised when each person and group guards for all others those rights they wish guarded for themselves...A society is only as just and free as it is respectful of this right for its smallest minorities and least popular communities." - Charles C. Haynes, Ph.D.

IN ORDER TO ACHIEVE THEIR EDUCATIONAL POTENTIAL, ALL STUDENTS HAVE A RIGHT TO ATTEND SCHOOL AND PARTICIPATE IN EDUCATIONAL PROGRAMS AND ACTIVITIES:

...Where respect for the rights of others is a standard set by the Board of Education, and where the Superintendent and each principal, classroom teacher, District staff member, and student take responsibility for safe-guarding those rights.

... Free from discrimination and harassment based on race, religion, ethnic background or national origin, language, gender, sexual orientation, economic status, physical or developmental disabilities, or other special needs.

... In which the total school environment is free from verbal or physical intimidation or harassment, including sexual harassment; vulgar or abusive language; derogatory ethnic, racial or sexual slurs or conduct; or acts of violence.

... In which the dignity and worth of all individuals are respected.

Proposition 8, "Right to Safe Schools. All students and staff of primary, elementary, junior high and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful."

(Approved by the Board of Education 1/20/98)

Modesto City Schools 2021-2022



AUGUST 2021

- 9 1st Day of School
- 25 Collaboration Day/TK-12 Min. Day
- 26 TK-6 Back to School Night/Min. Day
- 31 9-12 Back to School Night/Min. Day

SEPTEMBER 2021

- 1 Collaboration Day/TK-12 Min. Day
- 2 7-8 Back to School Night/Min. Day
- 3 7-8 Min. Day
- 6 Holiday/TK-12 Non-Attendance Day
- 8 Collaboration Day/TK-12 Min. Day
- 15 Collaboration Day/TK-12 Min. Day
- 22 Collaboration Day/TK-12 Min. Day
- 29 Collaboration Day/TK-12 Min. Day

OCTOBER 2021

- 6 Collaboration Day/TK-12 Min. Day
- 8 1st Quarter End/7-8 & 9-12 Min. Day
- 11 Staff Work Day/TK-12 Non-Attendance Day
- 13 Collaboration Day/TK-12 Min. Day
- 20 Collaboration Day/TK-12 Min. Day
- 27 Collaboration Day/TK-12 Min. Day
- 29 1st Trimester End/TK-6 Min. Day

NOVEMBER 2021

- 3 Collaboration Day/TK-12 Min. Day
- 10 Collaboration Day/TK-12 Min. Day
- 11 Holiday/TK-12 Non-Attendance Day
- 15-19 TK-6 Parent/Teacher Conferences/Min. Day
- 24 TK-12 Min. Day
- 25-26 Holiday/TK-12 Non-Attendance Day

FEBRUARY 2022

- 2 Collaboration Day/TK-12 Min. Day
- 9-12 Open House & Parent Night/Min. Day
- 9 Collaboration Day/TK-12 Min. Day
- 14 Holiday/TK-12 Non-Attendance Day
- 16 Collaboration Day/TK-12 Min. Day
- 18 2nd Trimester End/TK-6 Min. Day
- 21 Holiday/TK-12 Non-Attendance Day
- 23 Collaboration Day/TK-12 Min. Day

MARCH 2022

- 2 Collaboration Day/TK-12 Min. Day
- 3 TK-6 Parent/Teacher Conferences/Min. Day
- 4 TK-6 Min. Day
- 9 Collaboration Day/TK-12 Min. Day
- 11 3rd Quarter End/7-8 & 9-12 Min. Day
- 16 Collaboration Day/TK-12 Min. Day
- 18 TK-6 & 7-8 Min. Day
- 21-25 Spring Break
- 30 Collaboration Day/TK-12 Min. Day
- 31 7-8 Open House/Min. Day

APRIL 2022

- 6 Collaboration Day/TK-12 Min. Day
- 7 TK-6 Open House/Min. Day
- 13 Collaboration Day/TK-12 Min. Day
- 15 Holiday/TK-12 Non-Attendance Day
- 20 Collaboration Day/TK-12 Min. Day
- 27 Collaboration Day/TK-12 Min. Day

MAY 2022

- 23 TK-6 & 7-8 Min. Day
- 24-26 9-12 Finals/TK-12 Min. Day
- 26 Last Day of School/TK-12 Min. Day

www.MCS4Kids.com

August 2021

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September 2021

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October 2021

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

November 2021

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	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December 2021

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

January 2022

S	M	T	W	T	F	S
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23/30	24/31	25	26	27	28	29

February 2022

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

March 2022

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April 2022

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May 2022

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

■ Non-Attendance Day

■ Every Student Matters, Every Moment Counts

■ Important Date

Student Enrollment/Admissions & Photos and Media Access to Students

Student Enrollment & Admissions

1. All children between the ages of 6-18 years are subject to compulsory full-time education, unless specifically exempted. (Education Code 48200)
2. The Governing Board encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of children entering a district school at any grade level about admission requirements and shall assist them with enrollment procedures.
3. Before enrolling any child in a district school, the Superintendent or designee shall verify the child's age, residency, immunization, and other applicable eligibility criteria specified in law, the accompanying administrative regulation, or other applicable Board policy or administrative regulation.
4. The Superintendent or designee shall ensure that the enrollment of a homeless or foster child or a child of a military family is not delayed because of outstanding fees or fines owed to the child's last school or for his/her inability to produce previous academic, medical, or other records normally required for enrollment.
5. In addition, no child shall be denied enrollment in a district school solely on the basis of his/her 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 contact with the juvenile justice system. (Education Code 48645.5)
6. The Superintendent or designee shall not inquire into or request documentation of a student's citizenship or immigration status, and shall not deny a student enrollment in a district school on the basis of the citizenship or immigration status of the student or his/her parents/guardians. Any information obtained about a student's or parent/guardian's citizenship or immigration status shall not be shared without parent/guardian consent or a lawful judicial order, in accordance with laws pertaining to the confidentiality of student records.
7. A student shall not be denied enrollment based on the parent/guardian's refusal to provide the student's or parent/guardian's social security number. During the enrollment process, students are parents/guardians shall be informed that disclosure of their social security number is voluntary.
8. When enrolling in any district school, including a school in their attendance area, children whose parents/guardians reside within district boundaries shall be subject to the time lines established by the Board for open enrollment. Children whose parents/guardians do not reside within the district or who are not otherwise eligible for enrollment in the district may apply for inter-district attendance in accordance with the time lines specified in applicable Board policies and administrative regulations.

New student enrollees to Modesto City Schools are required to provide the following documentation:

- Completed Registration Card
- Address Verification: One of the following must be submitted:
 - Copy of recent utility bill (i.e. PG&E, or City of Modesto)
 - Copy of recent rental agreement
 - Copy of recent purchase agreement or escrow title paperwork stating buyer will live in the home (Parent/Guardian name on this address verification must be the same parent/guardian name and address that are written on the registration card.)
- Adult I.D. verification: The adult registering the student must provide proof of identification, i.e. Driver's license, or other photo I.D.
- Immunization Verification, Board Policy 5141.31, Senate Bill 277
- Withdrawal documents/drop papers/unofficial transcripts from the most recent previous school, if the student has been attending another school
- Guardian/care giver documentation, if applicable
- Current IEP or current 504 plan, if applicable
- Evidence of student's age (Education Code 48002, Administrative Regulation 5111)
 - Copy of birth record or a statement by local registrar or a county recorder certifying the date of birth
 - Baptism certificate duly attested
 - Passport
 - When none of the foregoing is obtainable, affidavit of the parent, guardian, or custodian of the minor

Photos and Media Access to Students

Families may opt-out of their students' photos or video recordings being used in district materials including newsletters, brochures, websites, marketing materials, social media and video published on the internet or in other venues by completing an opt-out form. The opt-out form must be submitted each school year and remains valid through the end of the school year. Submit the form online at www.tinyurl.com/MCS-PhotoOptOut-English-21-22, or ask for a copy of the form from your school office.

The district does not have the legal authority to prevent your student from talking with media or dictating who media outlets film or photograph. You are encouraged to have a discussion with your student about your wishes should the media ask to interview them about controversial subjects. Students, families and visitors should be aware that public events such as athletic competitions or student performances may be filmed by news media or other parties.

Character Education/PeaceBuilders/PBIS

Modesto City Schools' Character Education Program is a key component of the District's widely acclaimed Safe Schools Project. During the fall of 1998, a District/Community Task Force made up of staff, parents, religious leaders, and business representatives identified nine character traits, which reflected core community values. The Board of Education and District initiated a Character Recognition Award Program to promote the nine Character Traits and formally honor students who demonstrate outstanding character at their school or in the community. One of the nine character traits is promoted each month and students are recognized at school assemblies and during Board of Education meetings throughout the year.

MODESTO CITY SCHOOLS CHARACTER TRAITS

Character is a combination of human traits that defines each person. Your character determines WHO YOU ARE as an individual. The CHARACTER TRAITS you develop and possess will direct your actions, choices, and the path you will take in life. Along with your family, schools have a responsibility to help you cultivate sound and wise character traits.

Modesto City Schools believes the following traits are essential elements of the moral and ethical behavior expected of every student:

COURAGE: The strength of character to live by the dictates of conscience.

CIVILITY: Courteous speech and behavior in the conduct of daily life.

COMPASSION: Deep awareness of the suffering of another and the wish to relieve it.

HONESTY: Truthful speech and behavior.

INITIATIVE: Ability to begin and complete a task without prompting or supervision by others.

LOYALTY: Faithful and dependable support of people and institutions.

PERSEVERANCE: Adhering to a course of action, a belief, or a purpose despite obstacles and discouragement.

RESPECT: Honoring the worth and value of individuals and institutions and treating them accordingly.

RESPONSIBILITY: Personal and moral accountability for one's acts and words.

PeaceBuilders

In addition to the Character Education Program, Modesto City Schools implemented the PeaceBuilders program at all elementary sites with the assistance of the Stanislaus Community Foundation. PeaceBuilders is a science-based, research-validated violence prevention curriculum and professional development program. Its essence is a common language - six principles, taught, modeled and practiced. These same principles set behavioral expectations, reduce aggression, and transform the climate and culture of any environment to one which is cooperative, productive, and academically successful. For more information on PeaceBuilders, contact your school site or visit peacebuilders.com.

PeaceBuilder Pledge

I am a PeaceBuilder.

I pledge. . .

- * To praise people
- * To give up put downs
- * To seek wise people
- * To notice and speak up about hurts I have caused
- * To right wrongs
- * To help others

I will build peace at home, at school, and in my community each day.

Positive Behavioral Interventions & Support

Modesto City Schools is committed to Positive Behavioral Interventions and Support (PBIS) at each of our school sites. PBIS provides a framework for identifying school rules, teaching students the expected behavior in order to follow those rules, and rewarding students for making positive choices. Since Modesto City Schools began implementing PBIS, we have seen a substantial drop in suspension rates across the District. As our school sites continue implementing PBIS, we are confident we will continue to see similar results in the future. Should you have any questions regarding Positive Behavioral Interventions and Support, please visit the website www.pbiscaltac.org, or contact your school principal.

Nutrition Services/Special Programs & Alternative Education Programs

Nutrition Services • Community Eligibility Provision

Nutrition Services is dedicated to creating and maintaining a healthy learning environment for all students by providing nutritious meals through the USDA National School Lunch program. To help reduce the burden for families and to ensure students receive nutritious meals, Modesto City Schools offers breakfast and lunch at no charge to all students through a program called the Community Eligibility Provision (CEP). CEP allows eligible schools and groups of schools to serve breakfast and lunch at no charge to students.

STUDENTS AT ALL MCS SCHOOLS WILL BE OFFERED A HEALTHY BREAKFAST AND LUNCH AT NO CHARGE.

There is no need to fill out any type of paperwork or application to participate in the CEP program.

For menu information and other updates, please visit the Nutrition Services website at www.mcsnutrition.org.

For more information, please contact Nutrition Services at (209) 574-1619 or visit the website.



**Modesto City Schools
Nutrition Services**
Eat Well. Stay Well.

Special Programs & Alternative Education Programs

Modesto City Schools offers a variety of special and alternative education programs. Some programs are available to all students; others are designed to meet the special needs of specific students.

- **Academies and Pathways** Each comprehensive high school offers academies and/or pathways which combine core academics and specialized classes to teach students marketable occupational skills, abilities, attitudes and work habits. Visit each school's website for more information.
- **After School Education and Safety (ASES)** provides a safe, secure environment for students in grades TK-8 during after school hours until 6 p.m. Students have the opportunity to receive homework assistance, as well as participate in extended learning activities, such as art, music, fitness and wellness, science, and service learning. The program is open every school day, beginning immediately after school with a nutritious snack. In addition to serving students, the ASES program helps parents become active participants in the educational development of their children. For more information, please call 574-1608.
- **Career Technical Education (CTE)** To prepare students for fulfilling careers in the work place, Modesto City Schools offers Career Technical Education courses at each high school. CTE courses focus on developing rigorous skills training in an exciting array of programs including, but not limited to, agriculture, auto technology, construction, culinary arts, graphic communications, retail sales and marketing, computer technology, health career education, public safety and more. Courses also prepare students for work after high school through exploration of career options and expectations of business/industry. For more information regarding CTE, visit www.mcs4kids.com.
- **Dual Language Academy (DLA)** at Bret Harte Elementary School and Hanshaw Middle School is a parent choice program for English fluent students and English Learners, and requires a specific application process. The program goal is bilingualism and biliteracy in both English and Spanish. At Bret Harte, the DLA uses a 50-50 model, with 50% instruction in English and 50% instruction in Spanish. At Hanshaw, students take two periods of instruction in Spanish. For more information, please call 574-1590.
- **Language Institute Newcomer Program** at Roosevelt Junior High and Davis High School is a parent choice program for English Learners with less than 12 months of U.S. schooling, The programs goal is to ensure English acquisition as rapidly and effectively as possible while also providing core content classes. For more information, please call 574-1590.

Special Programs & Alternative Education Programs

- **Structured English Immersion (SEI)** In addition to the DLA and the Language Institute Newcomer Program (see above), the District offers a Structured English Immersion program for English Learners. The goals for this program are to develop English language proficiency and to meet grade level standards in order to ensure high academic achievement. For more information, call 574-1590.
- **Fremont Open Plan (FOP) Program** Fremont Elementary School provides this K-6 multi-age program that maintains a high degree of parent involvement and commitment. For information on the FOP, contact Fremont Elementary School at 574-8122.
- **Gifted and Talented Education (GATE)** serves academically gifted students from a variety of cultural, economic, and linguistic backgrounds. Lakewood, Martone and Sonoma Elementary Schools provide self-contained, full-time programs for identified children in grades 3-6 from all District elementary schools.
- **Honors** classes provide 7th-12th grade students with advanced classes in core subject areas. Teachers lead students in experiencing greater depth, breadth, and complexity in their areas of study.
- **Advanced Placement (AP)** courses are rigorous, college-level classes in a variety of subjects that give students an opportunity to gain the skills and experience colleges recognize. These courses are designed to provide advanced or accelerated instruction for students wishing to gain college credit while in high school. College credit is determined by the results of end of course AP examinations. Every college and university has its own policies regarding AP credit. For more information about AP credit, visit www.collegeboard.org/apcreditpolicy.
- **International Baccalaureate (IB) Diploma Programme** Coursework challenges students and prepares them to successfully compete in colleges and universities. Students gain a broader world view, follow in-depth approaches to the academic disciplines, and develop time management, problem-solving, research and organizational skills. The IB Program is offered at Modesto High School.
- **Modesto Virtual Academy (MVA)** is an online independent study program. Students will be issued a District device, access coursework from home and receive assistance through weekly meetings with their instructor. MVA students continue to be a part of their school of residence with access to extra-curricular activities, student support services and academic support.
- **Rigorous Instruction for Student Excellence (RISE)** is an academic program designed to increase student achievement. Selected students attend this program after school on two days per week. Students receive targeted instruction in specific skills in Language Arts and Math. For more information, please call 574-1608.

Modesto City Schools also provides a number of alternative education programs at a variety of locations throughout the District.

- **Adult Education Program** Provides both day and evening classes for adults seeking to earn a high school diploma. Also provides non-English speakers with the opportunity to learn English language skills.
- **Continuation High School Program** Serves 16- to 18-year-old students who have experienced academic, attendance, or behavior difficulty in the comprehensive school setting and who are more successful in an alternative school setting. The curriculum reflects the District's regular high school course of study.
- **G230 Academy** This alternative education program helps students recover credits through an online curriculum program that meets state standards. Starting the 2021-22 school year, the G230 Academy will be available at all high school sites within Modesto City Schools.
- **Teen Parent/Pregnant Minor Program** Enables pregnant minors and teens who are parents to stay in school to complete the requirements for their high school diplomas. The program provides child care services and parenting information classes.
- **Turnaround Opportunity School (TOPS)** serves high school students, under 16-years-old, who need the more individualized attention smaller classes provide. Located at Gregori, Downey and Modesto high schools.

The District's alternative programs develop and monitor educational plans for each student to promote his or her academic success.

Special Education & State Testing Notification

Modesto City Schools Special Education Local Plan Area (SELPA) offers programs for students found eligible for Special Education services under the Individuals with Disabilities Education Act (IDEA). The District provides services from birth to 22 years of age. Students are identified through the assessment process and an Individualized Education Program (IEP) is developed if a student is found eligible. IEPs are reviewed annually as students progress on their established goals and objectives. The overall purpose of Special Education is to meet individual student needs by providing support and services that allow students to access core instruction and participate in the least restrictive environment. For more information, please contact the Special Education Department at (209) 574-1623.

Modesto City Schools SELPA provides a full continuum of services to meet the needs of students with disabilities. This includes but is not limited to:

- **Designated Instructional Services**
 - Language, Speech, and Hearing
 - Adapted Physical Education
 - Deaf and Hard of Hearing Services
 - Orientation and Mobility Instruction
 - Occupational Therapy
 - Vision Services
 - Health and Nursing Services
 - Assistive Technology
 - Inclusion Services
 - Counseling
 - Behavior Intervention Services
 - Other needs as determined by the IEP
- **Resource Specialist Program**
- **Non-Public Schools**
- **Special Day Classes for Students with:**
 - Mild-Moderate Disabilities
 - Moderate-Severe Disabilities
 - Autism
 - Emotional Disturbance
 - Physical Disabilities
 - Hearing Impairments
- **Infants & Preschool Age Programs**
- **Transitional Programs for Students Ages 18 to 22 Years**

Community Advisory Committee: The Community Advisory Committee (CAC) unites parents, educators, agency personnel, and members of the community in a common goal of ensuring that students with exceptional needs receive a free and appropriate education. The CAC meetings offer an important opportunity for parents to communicate directly with the Modesto City Schools SELPA Administration regarding programming and support for students within our SELPA. Parent trainings are held each year on topics of interest to parents of students with disabilities. The goals of the CAC include:

- Providing input on the development, review, and implementation of the Local Plan for Special Education.
- Providing input on other policies and procedures pertaining to the education of students with disabilities.
- Sponsoring educational programs on topics such as parent advocacy, parent rights and responsibilities, the IEP process, parent/professional collaboration, assisting disabled students, transition programs, promoting the least restrictive environment, vocational/career education, post secondary programs, mental health services, community resources, and legislation affecting students with disabilities.
- Impacting legislation affecting students with disabilities.
- Promoting regular school attendance through enhancing parent awareness.
- Increasing parent involvement through parent trainings.

Meeting dates and additional information on the CAC are available by calling (209) 574-1623 or on the District website at [mcs4kids.com/students/community-advisory-committee-\(cac\)](http://mcs4kids.com/students/community-advisory-committee-(cac)).

Statewide Testing Notification

California students take several mandated statewide tests. These tests provide parents/guardians, teachers, and educators with information about how well students are learning and becoming college and career ready. The test results may be used for local, state, and federal accountability purposes.

The California Assessment of Student Performance and Progress (CAASPP) tests consist of the following:

- **Smarter Balanced Assessment Consortium Assessments:** The Smarter Balanced computer adaptive assessments are aligned with the Common Core State Standards (CCSS). English language arts/literacy (ELA) and mathematics tests are administered in grades three through eight and grade eleven to measure whether students are on track to college and career readiness. In grade eleven, results from the ELA and mathematics assessments can be used as an indicator of college readiness.
- **California Science Tests (CAST):** The computer-based CAST measures students' achievement of the California Next Generation Science Standards (CA NGSS) through the application of their knowledge and skills of the Science and Engineering Practices, Disciplinary Core Ideas, and Crosscutting Concepts. The CAST is administered to all students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve).
- **California Alternate Assessments (CAAs):** Only eligible students—students whose individualized education program (IEP) identifies the use of alternate assessments—may participate in the administration of the CAAs. Test examiners administer the computer-based CAAs for ELA, mathematics, and science one-

State Testing Notification & High School Exams

on-one to students. Students in grades three through eight and grade eleven will take the CAA for ELA and mathematics. Test items developed for ELA and mathematics are aligned with the CCSS and are based on the Core Content Connectors.

Students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve) will take the CAA for Science. The CAA for Science embedded performance tasks are based on alternate achievement standards derived from the CA NGSS. Students taking the CAA for Science will take three embedded performance tasks.

Pursuant to California Education Code Section 60615, parents/guardians may annually submit to the school a written request to excuse their child from any or all CAASPP assessments.

English Language Proficiency Assessments for California: The English Language Proficiency Assessment for California (ELPAC) is aligned with the 2012 California English Language Development Standards. It consists of two separate English Language Proficiency (ELP) assessments: one for the initial identification of students as English learners and the other for the annual summative assessment to identify students' English language proficiency level and to measure their progress in learning English.

Physical Fitness Test: The physical fitness test for students in California schools is the FitnessGram®. The main goal of the test is to help students in starting lifelong habits of regular physical activity. Students in grades five, seven, and nine take the fitness test. Grade 9 students not passing five out of six criteria on the Physical Fitness Test will be required to take a Physical Education course in their sophomore year. (E.C. 60800 & E.C. 51241[b][1])

Student Score Reports: Per Education Code 60641, Modesto City Schools ensures CAASPP student score reports are made available to all students and parents in a secure electronic format. Students and parents can access three years of score reports by logging into the Parent or Student PowerSchool Portal at <https://www.mcs4kids.com/district/powerschool>. If you need assistance accessing your child's score report or wish to request a printed copy, please visit your child's school office.

High School Exams

Important Information About the Preliminary SAT (PSAT): The Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) is excellent practice for college placement tests such as the SAT or ACT. Students who take the PSAT score an average of 100 points higher on the SAT.

The purpose of the PSAT is to:

1. Provide practice taking the SAT (the PSAT test measures critical reading skills, math problem-solving skills and writing skills);
2. Receive feedback on strengths and weaknesses on skills necessary for college study;
3. Compare performance on admissions tests with other students who may be applying;
4. Enter the competition for the National Merit Scholarship Corporation;
5. Help prepare for the SAT by becoming familiar with the kinds of questions and directions on the SAT; and
6. Receive information from prospective colleges.

The PSAT assesses knowledge and skills developed through years of study in a wide range of courses. Although the test is not directly related to a specific high school curriculum, it does reflect the kind of academic experience considered important for successful academic performance in college.

Eleventh grade students who take the PSAT, and do well, can compete for scholarships and recognition awards. In addition, students who identify themselves as Hispanic or Latino on the test answer sheet will automatically be considered for the National Hispanic Scholar Recognition Program.

Modesto City Schools will offer multiple versions of the PSAT each school year:

- **For All 9th, 10th & 11th Grade Students:** Each high school will offer the PSAT/NMSQT on a select date in October for all 9th, 10th and 11th grade students. Each school will communicate to students the steps required to sign-up for the PSAT in the Fall. Pending the approval of the Local Plan (LCAP), Modesto City Schools will pay for all interested 11th-grade students to take the PSAT/NMSQT at their high school in October. 9th and 10th grade students must submit the regular test fee. This fee is historically set at \$18 but is subject to change. 9th and 10th grade students will not be allowed to take the test if they have not paid the fee.
- **For 8th Grade Students:** Junior High Schools annually determine interest in taking the PSAT for grade 8 students. Schools that decide to offer the assessment will notify students of the opportunity and cost of the assessment, as well as how to register.

Students or parents/guardians who have questions about the PSAT should contact the College Counselor at their child's high school.

High School Exams & MCS Student Technology & Device Use

College Entrance Tests: College entrance tests are tests of ability and knowledge required of each college applicant necessary for successful college performance. Though some California colleges do not currently require these exams, entrance tests are required by many private or out-of-state colleges and are used for counseling and placing students in appropriate college courses. Some colleges and universities require minimum scores for admission. In addition, scholarships may be based on scores from college entrance tests. The most common tests are the SAT Reasoning Tests, SAT Subject Tests, and the ACT. It is extremely important that students observe deadlines for the submission of test scores. It is recommended that ALL college-bound eleventh-grade students check the entrance requirements of prospective colleges and, if required, take the SAT and/or ACT by the end of their junior year. **Contact your College Counselor with any questions about college entrance tests.**

MCS Student Technology & Device Use

We believe our students are preparing to enter an ever-changing world where they will need to solve problems, think critically, communicate effectively, collaborate, take initiative and be adaptable. Technology should be a tool to help students reach their learning goals. Technology can extend, enhance, and engage students in learning.

MCS is committed to:

- fostering and leading a culture of digital learning within our schools,
- empowering educators through professional learning opportunities,
- accelerating progress toward universal access for all students to quality devices, and
- offering digital tools to help students and families.

MCS will provide high school, junior high school, and elementary school students with a computer laptop to use in class and at home for school related work. Students will have the opportunity to access District adopted digital content, as well as other supplemental content for all subjects. As an MCS student and a computer network user, the student hereby agrees to comply with the MCS Student Internet and Network Agreement Acceptable Use Policy (see AR 6163.4 and BP 6163.4). Both the parent and student should read these policies found on www.mcs4kids.com, then click on Students, select Tech Help Center on the menu, and scroll down to the bottom of the page to click on Technology Use Policy.

The computer and its components are the sole property of MCS and are for educational purposes only. The equipment is loaned to the student and will be returned when the student drops, completes the school year, graduates or upon request of the school. The computer may not be transferred or given to any other student.

The cost to replace the device if lost or stolen is \$200. The cost for a damaged device is \$60. The cost to replace the power adapter if lost or stolen is \$35. Optional limited technology coverage (LTC) is available for purchase once per school year, through the last school day in April, for a non-refundable \$20 fee per student. Only cash or debit/credit cards are accepted. Cash and debit/credit card payments are accepted at the high school's Student Body Office or junior high school's and elementary school's Administration Office. Debit/credit card payments are also accepted online at each school's web store. The LTC covers the first breakage and the first theft with a documented police report. If the payment is made before 3 p.m., the coverage goes into effect the following school day. If the payment is made after 3 p.m., the coverage goes into effect two school days later.

While the District's intent is to make computer access available to further the delivery of curriculum and other content areas, students may find ways to access inappropriate material. Ultimately, parents/guardians are responsible for setting and conveying the standards that their children should follow when using media and information sources. The Internet is a powerful learning tool, but it should not be used indiscriminately or without supervision. While your child is at school, District staff will make every effort to assure this resource is used appropriately. It is the parents'/guardians' responsibility to monitor this resource at home, not unlike the manner in which they monitor the use of TV, video games, and mobile devices in the home. It is not advisable for children to engage in long hours of unsupervised time online. Parents'/guardians resources for managing devices at home on www.mcs4kids.com, then click on Parents, select Tech Help Center on the menu, and scroll to the middle of the page to the section Student Device and click on Technology Use and Care.

For more information on MCS Student Technology & Device Use or the limited technology coverage, call Information & Educational Technology Services at (209) 574-8600.

Junior High and High School Graduation Requirements

Building a Strong Academic Foundation in Junior High School

A major focus of junior high school is to help students make a successful transition to high school. To accomplish this, junior high school students must satisfactorily complete a rigorous core academic curriculum.

Students who need extra help will be provided opportunities to improve their skills or make up failed courses. Parents will be notified on a regular basis of their students' progress towards meeting graduation requirements.

Graduation Requirements

To receive a diploma of graduation from junior high school, students must:

- Complete the required course of study.
- Receive a passing grade on a District U.S. Constitution test.



Required Courses:

English <ul style="list-style-type: none"> • Four (4) semesters 	Mathematics <ul style="list-style-type: none"> • Four (4) semesters
Science <ul style="list-style-type: none"> • Life Science (Grade 7) - two (2) semesters • Physical Science (Grade 8) - two (2) semesters 	Social Science <ul style="list-style-type: none"> • World History (Grade 7) - two (2) semesters • U.S. History (Grade 8) - two (2) semesters

High School Graduation Requirements

Students must earn a minimum of 230 units and pass required core courses:

<ul style="list-style-type: none"> • English 8 semesters (40) units 	<ul style="list-style-type: none"> • Health 1 semester (5 units)
<ul style="list-style-type: none"> • Math 6 semesters (30 units) including the successful completion of Algebra 	<ul style="list-style-type: none"> • Practical Arts 1 semester (5 units)
<ul style="list-style-type: none"> • Physical Education 4 semesters (20 units) Note: All 9th graders must take Physical Education unless exempted by Board Policy 6142.111. 	<ul style="list-style-type: none"> • Science 2 semesters of biological science (10 units) 2 semesters of physical science (10 units) OR successful completion of 4 semesters of integrated science (20 units)
<ul style="list-style-type: none"> • Social Science 2 semesters U.S. History (10 units) 2 semesters World History (10 units) 1 semester U.S. Government (5 units) 1 semester Economics (5 units) 1 semester World Geography/World Religions (5 units) 	<ul style="list-style-type: none"> • Visual Arts/Performing Arts OR World Language OR Career Technical Education 2 semesters (10 units) (One course in visual/performing arts <u>or</u> world language <u>or</u> American Sign Language <u>or</u> Career Technical Education)

To be on track for graduation, students must earn the following number of units each semester:

Year in school	End of 1st Semester	End of 2nd Semester
9th Grade	25 Units	55 Units
10th Grade	85 Units	115 Units
11th Grade	145 Units	170 Units
12th Grade	200 Units	230 Units

Parent Involvement is Key to Student Success! Studies show that parent involvement positively affects student achievement, and contributes to higher quality education and better performance of schools overall. There are a number of ways you can get involved: Introduce yourself to your child(ren)'s teacher(s); join a parent group at your child(ren)'s school; volunteer in the classroom; read with your student(s) every day; ask your student(s) about their day. Talk with your child(ren)'s teachers about how you can help your child(ren) be successful. For more ideas, visit our Parent Engagement and Outreach department webpage: www.mcs4kids.com.

College Counseling Program & CC/CSU/UC Minimum Admission Requirements

College Counseling Program: Modesto City Schools offers a comprehensive College Counseling Program at each of its eight high school campuses. The program provides the services of fully-trained College Counselors who are responsible for serving all students interested in pursuing university degrees, junior college, and vocational schools. College Counselors serve students and their parents by providing a wide array of current information on issues related to college/university entrance requirements, costs, scholarships, and much more. They have access to critical information to help students make sound and realistic choices about college/university admittance. During the school year, College Counselors host evening programs at each high school campus. During these programs, counselors discuss general issues related to college/university selection and acceptance; the application process; financial aid and scholarship opportunities; the PSAT, SAT, and ACT; timelines for completing admission forms; and other important topics. There are also question and answer periods after each program. College Counselors are available to all high school students and their parents.

Community College Admission Requirements: Graduation from high school, passing the California High School Proficiency Examination, or reaching the minimum age of 18 years are the only requirements for junior college admission. There are no subject or grade requirements. However, the better preparation a student has in high school, the better the chances for success.

CSU/UC Admission Requirements and Higher Education Information:

Each school year, a school district shall provide the parent of students in grades 9 through 12 with a written explanation of the requirements for admission to the California State University (“CSU”) and the University of California (“UC”) systems. (Ed. Code, § 51229)
 To qualify for admission to the UC or CSU systems, high school students must meet the “Subject Requirements,” otherwise known as the “a-g” requirements. To learn more about college admission requirements, please visit the UC (www.universityofcalifornia.edu) or CSU (www.calstate.edu) websites or your student’s counseling office. For a list of District courses that have been certified by the University of California as satisfying the requirements for admission to the UC and CSU systems, please see your school’s course catalog and refer to: <https://doorways.ucop.edu/list>.

Career Technical Education (CTE): CTE may be offered by the District as career and workforce preparation for high school students, preparation for advanced training, and the upgrading of existing skills. CTE provides high school students who are 16 years of age or older with valuable career and technical education so students can: (1) enter the workforce with skills and competencies to be successful; (2) pursue advanced training in postsecondary educational institutions; or (3) upgrade existing skills and knowledge. A CTE course may also satisfy a graduation requirement and a subject matter requirement for admission to the UC and CSU. For a list of CTE courses offered by the District that may satisfy a subject matter requirement for admission to the UC and CSU, please see your school’s course catalog and refer to: <https://doorways.ucop.edu/list>.

To learn more about CTE, please visit www.cde.ca.gov/ci/ct. To learn more about the District’s career technical education classes, please visit the District’s website at: www.mcs4kids.com.

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

College Counselors:
Beyer High School
 Brianne Duran • 492-5729
duan.b@mcs4kids.com
Davis High School
 Cristina Aguilera • 492-3017
aguilera.c@mcs4kids.com
Downey High School
 Christine Hammell • 492-3279
hammell.c@mcs4kids.com
Enochs High School
 Jennifer Brogan • 492-1599
brogan.j@mcs4kids.com
Gregori High School
 Alison Kuykendall • 492-4183
kuykendall.a@mcs4kids.com
Johansen High School
 Melanie Hildebrandt • 492-3488
hildebrandt.m@mcs4kids.com
Modesto High School
 Gloria Garibay • 492-1706
garibay.g@mcs4kids.com

A-G Courses	Subject	CSU/UC Requirements for Freshman Admissions
A	History/Social Science	2 years required
B	English	4 years required
C	Mathematics	3 years required (e.g., Algebra, Geometry & Advanced Algebra) 4 years recommended
D	Laboratory Science	2 years required (1 year of a physical science & 1 year of a biological science) 3 years recommended (e.g., Biology, Chemistry & Physics)
E	World Language other than English	2 years required, 3 years recommended (All years must be in same language)
F	Visual and Performing Arts (VPA)	1 year required
G	College-Preparatory Elective	1 year required

Guidelines for Visitors

GUIDELINES FOR VISITORS: To build community awareness and appreciation of the many programs offered by public schools, Modesto City Schools encourages parents and interested community members to visit school campuses. Throughout the year, special events are held at each school to which visitors are invited.

Today, schools must take reasonable precautions to avoid interruptions and disruptions during the school day that could jeopardize the health and safety of students and staff.

Signs posted at all school entrances show regular school hours and inform visitors they must report to the school office.

To help ensure school safety and security, the principal/designee needs a visible means of identifying visitors while they are on the school grounds. This identification is required for all visitors, including parents (or guardians), and can be picked up at the school office.

Visitors are: 1) Parents (or guardians) of students enrolled at the school; 2) School volunteers; 3) Public employees whose job requires they be on school grounds; 4) Elected public officials; 5) Reporters, publishers, editors or other persons connected with, or employed by, a newspaper, magazine or other publication, radio or television station; 6) Representatives of a school employee organization engaged in activities related to the representation of school employees; and 7) anyone else, except site/District staff, students of the school, delivery persons or other contracted workers who are on the school grounds at the school's request.

Upon reporting to the school office, visitors may be required to furnish the principal/designee identification and any other information considered pertinent.

GUIDELINES FOR PARENT/GUARDIAN VISITS: School visits require staff time and commitment. Staff members are encouraged to accommodate as many requests as possible.

1. To ensure minimum interruption or disruption of the instructional program, visits to any classroom during school hours must be arranged in advance with the teacher. If the teacher or principal/designee feels a classroom visit would disrupt the instructional program, the request may be denied or rescheduled. (If a teacher/parent conference is desired, an appointment will be made with the teacher during non-instructional time.)
2. Parents (or guardians) who need to leave lunches, clothing, or other articles for their children, or who need to contact students or staff, however briefly, must first report to the school office to make their request. Usually, items will be delivered to the student by school staff to avoid interruption of the instructional program.
3. Parents (custodial or non-custodial) or guardians may not use the school setting to resolve visitation or other custodial rights. Such issues should be addressed after regular school hours.
4. No electronic listening or recording devices may be used in a classroom without the teacher's and principal's permission (E.C. 51512). Persons who do so will be guilty of a misdemeanor.

The principal/designee may refuse to allow a visitor the privilege of visiting the school if the principal believes the individual's presence or acts have the potential to interrupt the school, its students, teachers and other staff members; jeopardize the health and safety of students and staff; or cause property damage. Visitors need to know that the school principal/designee has the authority to direct an individual to leave the campus.

This direction is given when the principal determines that the visitor's presence or acts have the potential to interrupt or disrupt the school, its students, teachers or other employees; to jeopardize the health and safety of students and staff; or cause property damage. The principal's/designee's verbal direction to leave campus will be documented.

If the individual re-enters the campus without permission within seven days after being directed to leave the school grounds, he/she will be guilty of a misdemeanor and subject to arrest (P.C. 626.6).

If the individual refuses to leave after being asked by the principal/designee, law enforcement will be called. Specific circumstances of the case and advice from law enforcement will determine further action.

As soon as possible, school staff will document all facts regarding the situation. A full description of the incident will assist the District Attorney in determining appropriate charges - disturbing the peace, threats of violence, use of obscene language, assault, etc. (An appeals process is defined in Modesto City Schools Board Policy 1250.)

Modesto City Schools wants to emphasize that the majority of school visits are beneficial to the school, students, school staff, and individual visitors. However, it is important that parents and others be aware of the District's guidelines regarding visitors at school.

Obviously, it is in the best interest of our young people that interruptions, disruptions, or other more serious actions be avoided in order to provide a safe school environment where students can enjoy learning.

To report any suspicious activity or vandalism to a school site, please call the MCS hotline number at (209) 492-3690.

Tobacco Products are Prohibited: In the best interest of students, employees and the general public, the Board of Education prohibits the use of tobacco products at all times in District-owned or leased buildings, on District property, and in District vehicles. This includes, but is not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles and all other enclosed facilities, as well as indoor and outdoor athletic facilities.

Conduct Code Information - Message from the Board of Education

MESSAGE FROM THE BOARD OF EDUCATION ON MODESTO CITY SCHOOLS' CONDUCT CODE

THE BOARD OF EDUCATION AND STUDENT BEHAVIOR

The Board of Education has the responsibility to see that an appropriate educational program is available to each student in our schools. Within the framework of California law, courses and materials are developed, teachers and administrators are selected, and rules and regulations are established to ensure a proper climate in which students may pursue their studies.

Sections of that law are cited here so that students and parents may know the basis for the rules that must be enforced by the Board. This responsibility is an obligation the Board takes seriously. School personnel have been charged by the Board to carry out these rules in a fair, firm, and friendly manner in order to safeguard each student's right to the finest education we can provide, to hold distracting forces to a minimum, and to eliminate behavior that disrupts the learning process. This will benefit the majority of students by allowing them to go to school relatively free from unnecessary interruption.

Parents, administrators, teachers, and others responsible for the welfare of students must cooperate to interpret and enforce our behavior code and attendance policy.

This publication contains the rights and responsibilities, legal basis, and rationale for which our policies are founded. It is important that you read and discuss this Conduct Code with your student.

We look forward to a good school year. We ask your cooperation to ensure that our students have an environment that promotes the educational process.

MODESTO CITY SCHOOLS BOARD OF EDUCATION

RIGHTS AND RESPONSIBILITIES

Rights of Students

- To attend school unless removed under due process as specified in the Education Code.
- To attend school in a secure academic and social climate, free from discrimination, harassment and intimidation.
- To enjoy the full benefit of their teachers' efforts, without interruption by a disruptive student.
- To have ready access to a designated counselor.
- To examine personal records upon reaching the age of 16 or completing the 10th grade.
- To be fully informed of school rules and regulations.

Responsibilities of Students

- To attend school and classes regularly and on time.
- To be prepared for class with the appropriate materials and work.
- To know and obey school rules and regulations.
- To respect the rights of school personnel, fellow students, and the public in general.
- To demonstrate pride in the appearance of school buildings and grounds.
- To resolve differences in a positive way and seek adult assistance and support with resolving differences.

Rights of Parents

- To expect that their children will spend their time at school in a safe, wholesome, stimulating atmosphere engaged in productive activity under the care and direction of a dedicated staff.
- To have assurance that school personnel will at no time preempt parental prerogative.
- To be informed of District policies and regulations and school rules.
- To review their child's record with a certificated staff member providing assistance.

Responsibilities of Parents

- To visit school periodically to participate in conferences with teachers, counselors or administrators regarding the academic and behavioral status of their children.
- To provide supportive action by making sure that children have enough sleep, adequate nutrition and appropriate clothing before coming to school.
- To maintain consistent and adequate control over their children and to approve of reasonable control measures as applied by school personnel.
- To cooperate with the school in bringing about improvements designed to enhance the educational

Conduct Code - Rights & Responsibilities

program offered students.

- To provide the school with current information regarding legal address, phone, medical data, and other facts which may help the school to serve their children.
- To become familiar with District policies and school rules and regulations.

Rights of Teachers

- To expect and receive the attention, effort, and participation of the students attending their classes.
- To have parental and administrative backing when enforcing rules designed to provide an optimum learning climate.
- To teach with interruptions held to an absolute minimum.
- To enjoy the same level of respect and courteous treatment accorded members of the class individually and collectively.

Responsibilities of Teachers

- To consider the personal worth of each individual student as a single, unique, important human being.
- To attempt to equip each learner with the knowledge, skills, attitudes, and values required for successful living.
- To hold students accountable for their actions at all times.
- To assess divergent ideas, opinions, and expressions objectively and deal with them in a balanced, unbiased manner.
- To keep parents and students informed with timely or periodic reports, including all pertinent data related to the student's school experience.
- To consistently critique their own performance with the objective of an ever growing professional stature.
- To initiate and enforce individual classroom rules consistent with school and District policies.

Rights of Administrators

- To initiate such control measures as needed to establish and maintain an environment in which optimum learning and teaching conditions prevail.
- To make decisions on all issues confronting schools, primarily on the basis of what is best for the students.
- To hold students accountable for their conduct and to take prompt and appropriate action toward those guilty of violations.
- To expect that all school employees recognize and fulfill their role in terms of campus control.

Responsibilities of Administrators

- To provide leadership that will establish, encourage, and promote good teaching and effective learning.
- To establish, publicize, and enforce school rules that facilitate effective learning and promote attitudes and habits of good citizenship among the students.
- To request assistance from the District's support services and community agencies and resources in all cases indicating such action.
- To make a determined effort to stay attuned to expressions of student/staff/parent/community concerns and to react with sensitivity toward them.

ATTENDANCE:

Regular school attendance is important. Students must attend school regularly to achieve in the classroom. Parents who make regular school attendance a top priority help their children become dependable and responsible. The importance of being in school every school day applies to students at all grade levels. Children in the primary grades (kindergarten through third) should set a pattern of regular attendance early in their school careers. The habit will carry over through high school and beyond.

Being absent from school hurts the student. Modesto City Schools' data shows that students who do not attend school regularly achieve at a lower level than their classmates. Poor school attendance is the most frequently identified symptom of the potential school dropout. On average, students who were on track to graduate were absent eight (8) days during the entire school year. On average, high school students who are not on track to graduate (down 1-10 units) are absent seven (7) or more days in a semester, or 16 days in a school year. On average, students who are absent one-and-a-half or more days a month ARE NOT on track to graduate with their classmates regardless of the school they attend, their grade level, the courses they take, or their ethnicity.

Absenteeism hurts other students. When students who have been absent return to school, they need more individual attention from their teacher. They often deprive their classmates of the teacher's full attention.

Absenteeism hurts your child's school. State funding to schools is linked to student attendance. The more absences, the less funding a school district receives from the state and the total educational program suffers.

Absenteeism hurts our community. Students who are chronically absent are not prepared to join the work force or continue their education beyond high school. The Modesto Police Department confirms that daytime criminal activity increases when students are not in school.

ABSENCES

RIGHTS/CONSEQUENCES

ATTENDANCE EXPECTATIONS

EDUCATION IS AN OPPORTUNITY AND A RIGHT. IF STUDENTS DO NOT EXERCISE THEIR RIGHT TO ATTEND SCHOOL, THEY HAVE LIMITED THEIR OPPORTUNITY FOR THE BASIC EDUCATION NECESSARY TO BECOME MATURE, KNOWLEDGEABLE, AND PRODUCTIVE MEMBERS OF SOCIETY. ABSENTEEISM HAS A DIRECT, NEGATIVE EFFECT ON STUDENT ACHIEVEMENT, PROMOTION, GRADUATION, BEHAVIOR, AND EMPLOYMENT POTENTIAL. IT HAS BEEN WELL DEMONSTRATED THAT REGULAR ATTENDANCE IS A KEY FACTOR IN THE SUCCESS A STUDENT ACHIEVES AT SCHOOL.

ABSENCES -- ASSIGNMENT MAKE-UP ALLOWED

1. EXCUSED ABSENCES (C.A.C. Title 5, Sec. 420)

Absences listed below are excused when verified in accordance with the Education Code and Board Policy:

A. Illness.

B. Quarantine directed by county or city health officer.

C. Medical, dental, or optometrical services rendered:

1. Students are encouraged to make medical appointments after school hours. If this is not possible, then students must return to school immediately after an appointment.
2. **(K-6)** If a student must miss school for a medical appointment, the name of the doctor and/or clinic must be listed on the verifying note.

(7-12) Students will be released for and receive excused absences for appointments only on the written approval of parents or guardians.

(7-12) The only exception shall be for those students whose parents or guardians have provided annual written consent to the school to release and excuse their child(ren) upon doctor verification. (See the form on page 83)

Conduct Code - Attendance & Absences

D. Attending funeral services of a member of the pupil's immediate family as defined in E.C. 45194, so long as such absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside of California.

Students shall be permitted to make up missed school assignments.

(K-6) Responsibility for requesting missed work lies with student/parent. The teacher will determine the length of time the student has to make up work.

(7-12) Students shall be allowed two school-days for each day of absence to make up the work. The time for make-up may be extended by the teacher. Responsibility for requesting missed work lies with the student.

2. ABSENCES EXCUSED FOR PERSONAL REASONS (PRIOR APPROVAL REQUIRED) (E.C. 48205)

A. A pupil's absence shall be allowed provided the absence is for one of the following justifiable personal reasons:

1. An appearance in court.
2. (7-12 only) An employment conference.
3. A pupil/family hardship situation, as authorized by the principal.
4. An observance of a holiday or ceremony of the pupil's religion.
5. Attendance at religious retreats not to exceed four (4) hours per semester.
6. Attending a funeral service of a person who is not an immediate family Member.

B. PRIOR to an absence described in this regulation, a signed parental request must be received and approved by the principal or administrative designee.

C. Only in the case of extreme emergency will the principal approve an absence after the absence occurs.

A pupil whose absence is excused according to the above conditions shall be allowed make-up privileges. (K-6 Student/parent) (7-12 Students) shall make arrangements with the teacher to make up missed work prior to the absence. Students shall be allowed two school days for each day of absence to make up the work. The time for make-up may be extended by the teacher. Responsibility for requesting missed work lies with (K-6 student/parent) (7-12 student).

3. ABSENCES EXCUSED/RELEASE TIME FOR RELIGIOUS EXERCISES AND INSTRUCTION (PRIOR NOTIFICATION REQUIRED) (E.C. 46014)

The District will allow release time for students to participate in religious exercises or to receive moral and religious instruction.

A student's absence will be considered excused, with full rights to make up tests and homework, if the following conditions are complied with:

A. The student has the written consent of his/her parent or guardian indicating the time the student is to be released from school. The written consent must be submitted to the school two days prior to release from school.

B. Verification of attendance at the designated exercise is provided to the school on the first day after the absence.

C. The student attends school on the day of the absence for at least the minimum day (as defined by the Education Code).

Kindergarten	-	180 minutes
Grades 1-3	-	230 minutes
Grades 4-12	-	240 minutes

D. No pupil shall be excused from school for such purpose on more than four days per school year.

A student whose absence is authorized according to the above conditions shall be allowed make-up privileges. (K-6 Student/parent) (7-12 Students) shall make arrangements with the teacher to make up missed work prior to the absence. Students shall be allowed two school days for each day of absence to make up the work. The time for make-up may be extended by the teacher. Responsibility for requesting missed work lies with (K-6 student/parent) (7-12 student).

4. UNEXCUSED ABSENCES FOR PERSONAL REASONS MADE UP IN SATURDAY SCHOOL (NO PRIOR APPROVAL) (E.C. 37223, 48205)

(K-6) Students who are absent for personal reasons and who did NOT receive prior approval from the school administrator may be assigned a consequence such as detention, in-school suspension, or Saturday School to make up class work missed because of the unexcused absence.

(7-12) Students who are absent for personal reasons and who did NOT receive prior approval from the

school administrator may be assigned to Saturday School to make up class work missed because of the unexcused absence. Absences will be considered unexcused and may affect extra-curricular eligibility if not cleared within seven (7) school days after the student returns from the absence.

5. HOME SUSPENSION / INTERVENTION CENTER [7-12] AND ASSIGNMENT MAKE-UP (E.C. 48913)
- A. Suspensions are considered “excused” absences and assignment make-up shall be allowed if requested by the student or parent.
 - B. The responsibility of obtaining and doing class work lies with the student/parent. The teacher may require the student to complete any assignments and tests missed during the suspension.
 - C. Students shall be allowed at least TWO days for each day of suspension to make up the work. Time for make-up may be extended by the teacher.

ABSENCES - ASSIGNMENT MAKE-UP NOT ALLOWED

1. TRUANCY/UNEXCUSED ABSENCES

Absences which cannot be verified will be considered truant/unexcused.

Students shall NOT be allowed to make up assignments or tests which were assigned during the truancy/unexcused absence.

It is the responsibility of the parent/guardian to provide explanation of a student’s absence either by telephone the day of the absence or by note upon the student’s return to school.

Students who leave the campus or the classroom without proper school authorization will be considered truant.

If the student has an absence verified at the attendance office at a later time, he/she is NOT allowed make-up privileges unless he/she presents the teacher a verified re-admit slip within ONE (1) day after the student returns to school.

Written notification will be sent to the parents of a student who is absent from school for a total of three (3) days, 10 days, and 15 days without valid excuse. These notifications will be mailed for absences that are either unexcused or unverified.

TRUANCY/UNEXCUSED, EXCESSIVE ABSENTEEISM, TARDIES

(E.C. 37223)

TRUANCY/UNEXCUSED (E.C. 48260-48263, 48900 k, 49164)

Students may not be absent from school without approval of the school. (7-12) Absences will be considered unexcused and may affect extra-curricular eligibility if not cleared within seven (7) school days after the student returns from the absence. The following represents the procedures which will be followed when a student is absent from school without a valid excuse or is tardy without the school’s approval in excess of 30 minutes.

First Incident--The student and parents will be informed of the mandatory attendance laws and the District’s pertinent policy and procedures. The student will be instructed to attend all classes. Failure to do so shall be treated as “defiance of authority.” (7-12) Student will be informed that a work permit will not be issued or will be revoked if the student reaches the 4th step.

(K-12) Alternate consequences will be assigned such as detention, Saturday School, (K-6) Partnered Classroom, (7-12) Intervention Center, (7-12) Community Service.

Second Incident--The student and parents will be informed of the mandatory attendance laws and the District’s pertinent policy and procedures. The student will be instructed to attend all classes. Failure to do so shall be treated as “defiance of authority.” (7-12) Student will be informed that a work permit will not be issued or will be revoked if the student reaches the 4th step.

(K-12) Alternate consequences will be assigned such as detention, Saturday School, (K-6) Partnered Classroom, (7-12) Intervention Center, (7-12) Community Service.

Third Incident --The student and parents will be informed of the mandatory attendance laws and the District’s pertinent policy and procedures. The student will be instructed to attend all classes. Failure to do so shall be treated as “defiance of authority.” (7-12) Student will be informed that a work permit will not be issued or will be revoked if the student reaches the 4th step. (K-12) The student is a legal truant (absent from school without a valid excuse for three (3) days or tardy in excess of 30 minutes on each of three (3) or more days). (E.C. 48260) (E.C. 48260.5) The school may recommend that the parent/guardian attend school one day with the student.

(K-12) Alternate consequences will be assigned such as detention, Saturday School, (K-6) Partnered Classroom, (7-12) Intervention Center, (7-12) Community Service.

Conduct Code - Attendance & Absences

Fourth Incident--Student will be referred to a school administrator/designee. The student is now a legal habitual truant and shall be within the jurisdiction of the juvenile court which may adjudge the pupil to be a ward of the court. (E.C. 48262) (WIC 601) The school administrator shall call and hold a parent conference. Parents and student are again informed that failure to follow the school's directive to attend classes will be "defiance of authority" and will be grounds for referral to the School Attendance Review Board and/or (7-12) involuntary transfer to an alternative education program.

(K-12) Alternate consequences will be assigned such as detention, Saturday School, (K-6) Partnered Classroom, (7-12) Intervention Center, (7-12) Community Service.

(7-12) STUDENT IS INELIGIBLE TO PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES FOR NINE (9) WEEKS.

(7-12) A WORK PERMIT WILL NOT BE ISSUED/OR WORK PERMIT WILL BE REVOKED FOR A MAXIMUM OF NINE (9) WEEKS. (E.C. 49164)

(7-12) THE PUPIL MAY BE SUBJECT TO SUSPENSION, RESTRICTION, OR DELAY OF THE PUPIL'S DRIVING PRIVILEGE PURSUANT TO SECTION 13202.7 OF THE VEHICLE CODE. (E.C. 48260.5)

Fifth Incident--Student will be referred to a school administrator. The parents and student will be informed that the next incidence of refusal to attend classes upon the direction of school authorities may result in a recommendation of the student to an alternative education program and possible referral of parent and student to the School Attendance Review Board.

(K-12) Alternate consequences will be assigned such as detention, Saturday School, (K-6) Partnered Classroom, (7-12) Intervention Center, (7-12) Community Service.

(7-12) STUDENT IS INELIGIBLE TO PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES FOR AN ADDITIONAL NINE (9) WEEKS.

(7-12) A WORK PERMIT WILL NOT BE ISSUED/OR WORK PERMIT WILL BE REVOKED FOR A MAXIMUM OF NINE (9) WEEKS. (E.C. 49164)

Sixth Incident--A letter shall be sent certified or by using "proof of service" method to the parents/guardians informing them that their student has had additional incidents of truancy since being declared a legal habitual truant (E.C. 48262) and has been in "persistent defiance of authority." Parent and student may be referred to the School Attendance Review Board (SARB).

(K-12) Alternate consequences will be assigned such as detention, Saturday School, (K-6) Partnered Classroom, (7-12) Intervention Center, (7-12) Community Service.

(7-12) STUDENT MAY BE REFERRED TO AN ALTERNATIVE EDUCATION PROGRAM, SUCH AS CONTINUATION HIGH SCHOOL IF THE STUDENT IS SIXTEEN YEARS OF AGE OR OLDER, OR TO OPPORTUNITY SCHOOL/PROGRAM/CLASS IF THE STUDENT IS UNDER SIXTEEN YEARS OF AGE.

(7-12) STUDENT IS INELIGIBLE TO PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES THE REMAINDER OF THE SCHOOL YEAR AT THE REGULAR CAMPUS.

(7-12) A WORK PERMIT WILL NOT BE ISSUED/OR WORK PERMIT WILL BE REVOKED BY THE ISSUING AUTHORITY AT THE REGULAR CAMPUS. (E.C. 49164)

EXCESSIVE ABSENTEEISM

Once a pupil accumulates 15 absences (excused or unexcused) during one school year:

1. A school administrator may place the student on Attendance Supervision which imposes a requirement that additional absences must be verified by a licensed medical practitioner. (C.A.C. Title 5 sec. 421 b)
2. A student may not be placed on Attendance Supervision unless the parent/guardian has been notified previously in conference or by letter of the District's excessive absence policy after that student has been absent 10 days or more.
3. Once a student has been placed on Attendance Supervision, a school administrator/certificated designee shall call and hold a parent conference. Parent/guardian will again be informed of the District's excessive absence policy. If the parent/guardian cannot be contacted, the administrator/ designee will hold a conference with the student and a certified letter shall be sent informing the parent/guardian that the student is placed on Attendance Supervision and the pertinent provisions of the excessive absence policy.
4. Parents of a student who is absent from school five (5) or more times without the required verification from a doctor are subject to being referred to the School Attendance Review Board. (E.C. 48320-48324)
5. (7-12) A student absent from school five (5) or more times without the required verification:

- A. WILL BE INELIGIBLE TO PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES THE REMAINDER OF THE SCHOOL YEAR AT THE REGULAR CAMPUS.
- B. WILL NOT BE ISSUED A WORK PERMIT OR THE WORK PERMIT WILL BE SUSPENDED OR REVOKED BY THE ISSUING AUTHORITY AT THE REGULAR CAMPUS. (E.C. 49164)
- C. MAY BE REFERRED TO THE SCHOOL ATTENDANCE REVIEW BOARD.
- D. MAY BE REFERRED TO AN ALTERNATIVE EDUCATION PROGRAM, SUCH AS CONTINUATION HIGH SCHOOL IF THE STUDENT IS SIXTEEN YEARS OF AGE OR OLDER. (E.C. 48432.5)

Note: Six (6) period absences equal one (1) full-day absence and will be counted toward the fifteen days.

Note: Written notification will be sent to the parents of a student who is absent from school for a total of three (3) days, 10 days, and 15 days without valid excuse. These notifications will be mailed for absences that are either unexcused or unverified.

TARDIES

One of the responsibilities of each student is to be in the classroom in his/her seat or work station when the bell rings or when class is to begin. Being tardy is irresponsible behavior because it is disruptive to the learning process.

FIRST, SECOND, AND THIRD TARDY IN EACH CLASS

Consequences to be determined by each site.

K-6 Fourth and successive tardies (Parent contact)

Administrator will assign the student a consequence which may include detention, Partnered Classroom, or Saturday School. Parents may be referred to the Child Welfare and Attendance office or the School Attendance Review Board for excessive tardies or absences incurred by their child.

7-12 Fourth and subsequent tardies will result in an administrative referral with the following consequences.

Administrator will assign the student a consequence which may include detention, one period of Intervention Center, Tutoring Center, or Saturday School. Parents may be referred to the Child Welfare and Attendance office or the School Attendance Review Board for excessive tardies or absences incurred by their child.

STUDENTS OUT OF CLASS WITHOUT WRITTEN AUTHORIZATION FIVE (5) MINUTES AFTER CLASS IS TO BEGIN.

An administrator or his/her designee(s) will assign the student a consequence which may include work detail/detention/Intervention Center/Saturday School.

TARDY IN EXCESS OF 10 MINUTES

If a student is tardy in excess of 10 minutes, but no more than 30 minutes, the teacher has the option of not allowing assignment make-up because of lack of class participation. If the student is tardy in excess of 30 minutes, he/she is truant according to E.C. 48260 and must obtain a re-admit slip from the attendance office indicating "truancy."

SATURDAY SCHOOL

(E.C. 37223)

The Governing Board of any elementary, high school, or unified school district may maintain classes on Saturday. The Modesto City Schools' Board of Education approves such classes when appropriate and practicable.

The classes may include **MAKE-UP CLASSES FOR UNEXCUSED ABSENCES** occurring during the week. Attendance at Saturday School for unexcused absences will permit the student to make up missed assignments and the absence record will be changed to reflect Saturday School attendance. Unexcused absences must be made up through Saturday School within 20 school days from original absence.

Attendance at classes conducted on Saturday shall be at the election of the pupil or, in the case of a minor pupil, the parent or guardian of the pupil. However, the Governing Board may require truants, as defined by Section 48260, to attend make-up classes conducted on one day of the weekend.

Conduct Code - Attendance & Absences, Behavior Expectations & Consequences

SCHOOL ATTENDANCE REVIEW BOARD (SARB)

(E.C. 48320-48324, 48292-48293)

The Education Code provides for the establishment of School Attendance Review Boards to meet the special needs of pupils with school attendance problems or school behavior problems.

The School Attendance Review Board may include a parent and representatives of (1) the school, (2) the County Probation Department, (3) County Welfare Department, and (4) a representative of the County Superintendent of Schools.

SARB has the authority to recommend that parents and students take certain measures to correct inappropriate behavior, refer the pupil to community agencies for assistance, or suggest adjustments to the school assignment.

In the event that a parent or guardian or pupil fails to respond to the directives of SARB or to services offered on behalf of the minor, SARB may:

1. Direct that the minor be referred to the County Welfare Department under Section 300 of the Welfare and Institutions Code.
2. Direct that the minor be referred to the County Probation Department under Section 601 of the Welfare and Institutions Code.
3. Request the Director, Child Welfare and Attendance, to file a complaint against the parent, guardian, or other person in charge of such minor with the District Attorney.

The parent/guardian of any pupil who fails to comply with the directives of SARB, unless excused or exempted therefrom, is guilty of an infraction and shall be punished as follows:

1. Upon conviction, by a fine of not more than one hundred dollars (\$100).
2. Upon a second conviction, by a fine of not more than two hundred fifty dollars (\$250).
3. Upon a third or subsequent conviction, by a fine of not more than five hundred dollars (\$500).
4. In lieu of imposing the fines prescribed in numbers (1) and (2), the court may order such person to be placed in a parent education and counseling program.

BEHAVIOR EXPECTATIONS AND CONSEQUENCES

Consequences are determined by the number of violations occurring in one school year with the exception of offenses 4, 5, 7, 20, and 24 for K-6 students; and 4, 5, 7, 21, and 25 for 7-12 students. Prior offenses may warrant consequences starting at Step 2.

A school may have additional rules unique to its site as long as they do not conflict with the Conduct Code (E.C. 35291.5).

EXCEPTIONS: The number of offenses and the consequences relating to extra-curricular activities eligibility for substance abuse violations carry over from year to year in grades 7-8 and 9-12, but not from junior high to high school.

DURING SUSPENSION:

1. Student shall not report to school during the period of suspension unless coming to the office on official business by prior arrangement with a school administrator. Student is expected to be under the supervision of a parent during school hours when serving suspension days at home. (7 a.m.-4:30 p.m.) P.C. 653b, P.C. 627.2
2. Student is not to attend any school event at any school campus during home suspension.
3. The responsibility of obtaining and doing class work lies with the student. The teacher may require the student to complete any assignments and tests missed during the suspension.

IMPORTANT NOTICE

1. (E.C. 48900) No pupil shall be suspended or expelled for any of the acts enumerated unless the act is related to school activity or school attendance. A pupil may be suspended or expelled for acts which are enumerated in this section and related to school activity or attendance which occur at any time, including, but not limited to, any of the following:

- a. While on school grounds.
- b. While going to or coming from school.
- c. During the lunch period whether on or off the campus*.
- d. During, or while going to, or coming from, a school sponsored activity.

*All K-12 campuses are closed campuses. This means that students may not leave campus between periods or during lunch.

2. Students accumulating 20 days of home suspension only are subject to involuntary transfer to an

Conduct Code - Behavior Expectations & Consequences, Closed Campuses

alternative program.

3. Disciplinary action will be taken if a student's behavior is disruptive to the instructional process or causes a danger to persons or property even though the offense is not defined in this Conduct Code.
4. (E.C. 48904 sub-section a 4) Parental liability for willful misconduct of a minor that results in injury or death to a pupil or school employee or who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district or personal property of any school employee shall be liable for all damages so caused by the minor. The liability of the parent or guardian shall not exceed the state established limit. The parent or guardian shall also be liable for the amount of any reward not exceeding the state established limit.
5. Students and parents have a right to appeal disciplinary action taken against a student. A meeting must be requested with the principal.
6. **DEBTS OWED FOR LOSS OR DAMAGE TO SCHOOL DISTRICT PROPERTY:** In grades K-6, parents/guardians will be notified of debts incurred by their students. Any 6th grade student who owes for outstanding school debts will be ineligible to participate in extra-curricular activities, grades 7-12, until the debt is paid or until the student completes a program of voluntary work as provided in Education Code 48904 in lieu of payment. However, attendance, substance abuse, behavior, and classroom citizenship eligibility consequences shall not carry over from elementary school to junior high school. For grades 7-12, see page 47.
7. **Search and Seizure:** The Board authorizes school officials to conduct searches when there are reasonable grounds or suspicion that the search will uncover evidence that the student is violating the law or the rules of the District or the school. The Board urges that discretion, good judgment, and common sense be exercised in all cases of search and seizure (BP 5145.12). Vehicles are subject to search on school property. By entering school property, the person driving any vehicle is deemed to consent to a complete search of the vehicle--all its compartment and contents--by school officials or law enforcement personnel for any reason whatsoever. This notice applies to all vehicles of any type and is in force 24 hours a day. California Vehicle Code Section 21113 (A)

7-12 CLOSED CAMPUSES

On July 19, 1993 the Board of Education approved the closure of all 7-12 campuses beginning with the 1993-94 school year. This action was taken in order to maximize the District's efforts to provide a safe and orderly environment for students.

Students may not leave campus between periods or during lunch.

There will be no parent approved or school sanctioned exceptions to this closed campus policy.

<p>NOTE: STUDENTS WHO LEAVE CAMPUS SHALL BE CLASSIFIED TRUANT AND SUBJECT TO DISCIPLINARY ACTION (PAGES 21-22) AND LOSS OF ELIGIBILITY FOR EXTRA-CURRICULAR ACTIVITIES (PAGES 43-49).</p>
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K-6 LEVEL I OFFENSES

**CAUSES FOR HOME SUSPENSION
OR OTHER ALTERNATIVE CONSEQUENCES**

WITH THE EXCEPTION OF SERIOUS VIOLATIONS OF THE STUDENT CONDUCT CODE, CORRECTIVE MEASURES WILL NORMALLY BEGIN AT A MINIMAL LEVEL AND THEN PROCEED TO MORE SERIOUS LEVELS. THESE PROCEDURES MAY INCLUDE BUT ARE NOT LIMITED TO: COUNSELING, PARENT CONFERENCE, BEHAVIOR PLAN, CLASSROOM INTERVENTIONS, COMMUNITY SERVICE, RESTITUTION, CONFLICT RESOLUTION, PARENT SUPERVISION IN SCHOOL, DETENTION, LOSS OF SCHOOL PRIVILEGES, CLASS SUSPENSION, BEHAVIOR CONTRACT, SATURDAY SCHOOL, PARTNERED CLASSROOM, HOME SUSPENSION, ALTERNATIVE EDUCATION TRANSFER, EXPULSION RECOMMENDATION.

LAW ENFORCEMENT AGENCIES MAY BE NOTIFIED AT THE DISCRETION OF THE ADMINISTRATION. IF THE NATURE OF THE OFFENSE MAKES AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION RECOMMENDATION APPROPRIATE, THE STUDENT WILL BE SUSPENDED FIVE DAYS FOR THE INFRACTION.

STUDENT MAY BE SUSPENDED ON THE FIRST OFFENSE IF IT IS DETERMINED THAT THE PUPIL'S PRESENCE CAUSES A DANGER TO PERSONS. (E.C. 48900.5)

GANG RELATED OFFENSES - A STUDENT MAY BE SUSPENDED FOR FIVE DAYS ON THE FIRST OFFENSE AND RECOMMENDED FOR AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION.

OFFENSES 1-3, 7-8, AND 25-28 ONLY – IF THE SERIOUSNESS OF THE ACT LEADS TO A DETERMINATION THAT THE PRESENCE OF THE STUDENT CAUSES A DANGER TO PERSONS, THE STUDENT MAY BE RECOMMENDED FOR AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION ON THE FIRST OR SUCCEEDING OFFENSES.

1. **CAUSING, ATTEMPTING, OR THREATENING TO CAUSE PHYSICAL INJURY OR WILLFULLY USING FORCE OR VIOLENCE UPON ANOTHER PERSON**, except in self-defense. (E.C. 48900, sub-sections (a) (1), (a) (2), r, and s) An individual must do everything possible to avoid a conflict. Acts of aggression will not be considered self-defense.
Note: An incident will be considered a mutual fight when two students engage in a physical altercation, regardless of who initiated the conflict. A student who allows him/herself to be provoked into fighting will be considered as guilty as the one who starts the fight. It is the responsibility of the administrator to conduct an investigation to determine if one of the parties was acting in self- defense.
1st Offense: 1-day suspension.
2nd Offense: 3-day suspension and possible recommendation for alternative education program or expulsion.
3rd Offense: 5-day suspension and recommendation for alternative education program or expulsion.
Note: Any act committed against school staff would warrant consequences starting at Step 2.
Note: If a student caused serious physical injury (as defined in Penal Code Section 243) to another person, except in self-defense, the principal must recommend expulsion or report in writing to the superintendent who will advise the governing board that expulsion is inappropriate due to the nature of the particular circumstances which shall be indicated in the report of the incident. (E.C. 48915).
2. **POSSESSING ANY OBJECTS** of a dangerous nature (unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal) **ON CAMPUS** if the principal deems expulsion inappropriate. (E.C. 48900 sub-section b)
Note: Toy guns (imitation) are considered objects of a dangerous nature. Look-a-like (imitation) toy guns refers to a replica of a firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (E.C. 48900

sub-section m). Possession of any toy weapon that appears to be real to a reasonable person or that is used in a threatening manner may result in alternative placement or recommendation for expulsion. (E.C. 48900, sub-section m) Also, see page 31, number 2.

Note: Laser pointers are considered objects of a dangerous nature.

1st Offense: Warning to student and/or other alternative means of correction.

2nd Offense: 1-day suspension.

3rd Offense: 3-day suspension and possible recommendation for alternative education program.

3. **POSSESSING, USING, OR BEING UNDER THE INFLUENCE OF** an alcoholic beverage or intoxicant of any kind. Possessing not more than one ounce of marijuana. Using or being under the influence of marijuana or any controlled substance (as defined in Section 11053 of the Health and Safety Code). (E.C. 48915 and E.C. 48900, sub-section c)

1st Offense: 5-day suspension and notification of appropriate law enforcement agency. May be assigned to a substance abuse counseling program.

2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: Does not include the possession of over-the-counter medication used by the student, or medication prescribed for the student by a physician (AB 2537).

4. **CAUSING OR ATTEMPTING TO CAUSE DAMAGE TO PROPERTY** - cutting, defacing, or otherwise injuring any school district property, or the malicious injury or destruction of any other person's real or personal property. (Penal Code Sec. 594) (E.C. 48900, sub-section f)

Note: If a prior offense was committed during the previous two school years, damage valued in excess of \$25.00 will warrant consequences starting at Step 2.

1st Offense: Behavioral interventions and/or other alternative means of correction.

2nd Offense: 3-day suspension.

3rd Offense: 5-day suspension and recommendation for expulsion.

Note: Parent/guardian will be held responsible for damage to school district property up to the State established limit. When the minor and parent are unable to pay for the damages, the school district shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Parents or guardian of the student are also liable for the amount of a reward paid for information leading to the apprehension of person(s) causing damage up to the State established limit. (E.C. 48904).

5. **STEALING OR ATTEMPTING TO STEAL SCHOOL PROPERTY OR PRIVATE PROPERTY** (E.C. 48900 sub-section g)

Note: If a prior offense was committed during the previous two school years, stolen items of value greater than \$25.00 will warrant consequences starting at Step 2.

1st Offense: Behavioral interventions and/or other alternative means of correction.

2nd Offense: 3-day suspension and possible recommendation for alternative education program.

3rd Offense: 5-day suspension and recommendation for expulsion.

6. **POSSESSING OR USING TOBACCO** (or any products containing tobacco or nicotine products). (E.C.48900, sub-section h)

Tobacco and nicotine products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (E.C. 48011, sub-section h)

1st Offense: Behavioral interventions and/or other alternative means of correction.

2nd Offense: 2-day suspension.

3rd Offense: 3-day suspension and possible recommendation for alternative education program.

Note: No school shall permit the smoking or use of tobacco, or any product containing tobacco, or nicotine products, by pupils of the school while pupils are on campus, or while attending school-sponsored activities or while under the supervision and control of school district employees. (E.C. 48901) Students' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited. Confiscated materials will be returned to parents upon request. Confiscated materials will not be returned to students.

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7. **COMMITTING AN OBSCENE ACT OR ENGAGING IN HABITUAL PROFANITY OR VULGARITY** either verbally or in writing. (E.C. 48900, sub-section i)
Note: A student may be suspended on the first offense for 5 days if such behavior causes a danger to persons (E.C. 48900.5).
1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: 1-day suspension.
3rd Offense: 3-day suspension and possible recommendation for alternative education program.
Note: If a prior offense was committed during the previous two school years, any act committed against school staff would warrant consequences starting at Step 2.
8. **UNLAWFULLY POSSESSING OR UNLAWFULLY OFFERING, ARRANGING, OR NEGOTIATING TO SELL ANY DRUG PARAPHERNALIA**, as defined in Section 11014.5 of the Health and Safety Code. (E.C. 48900, sub-section j)
1st Offense: 5-day suspension and notification of appropriate law enforcement agency. May be assigned to a substance abuse counseling program.
2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.
9. **ACTIVATION OF FALSE ALARMS OR TAMPERING WITH EMERGENCY EQUIPMENT, FIRE-SETTING OR ATTEMPTED FIRE-SETTING**. (Penal Code Sec. 447 and 455, 148.4) (E.C. 48900, sub-section k)
Behavioral interventions and/or other alternative means of correction.
Note: Fire-setting of any nature may lead to recommendation for alternative education program on the first offense. Fire-setting is never considered to be a prank. The burning of trash cans can lead to immediate and serious consequences.
10. **CHEATING** (E.C. 48900, sub-section k)
Behavioral interventions and/or other alternative means of correction.
11. **WILLFUL DEFIANCE OR DISOBEDIENCE**: A willful act, verbal or non-verbal, that demonstrates deliberate resistance or refusal to obey a reasonable request or directive issued by a school district employee. Student's action does not create a safety risk. (E.C. 48900, sub-section k)
Depending on the circumstances, the frequency and severity of the offense, behavioral interventions and alternatives to suspension may be used as determined by the site administrator.
Examples: Including but not limited to: Chewing gum/eating/drinking in class, willfully defying staff in non-safety related incident, student walking from staff and/or refusing to talk to staff about an incident in non-safety situation, non-habitual use of profanity or vulgarity, verbal insults/put-downs/name calling (non-discriminatory), horseplay, etc.
12. **INTERFERING WITH THE PEACEFUL CONDUCT OF THE CAMPUS OR CLASSROOM**: Any willful act of a minor but annoying nature, verbal or non-verbal, that disrupts the educational process, distracts from the educational environment, or interrupts any administrative, disciplinary, or other activity sponsored or approved by the district. (E.C. 48900, sub-section k)
Depending on the circumstances, the frequency and severity of the offense, behavioral interventions and alternatives to suspension may be used as determined by the site administrator.
Examples: Including but not limited to: Minor altercation not resulting in actual fight (i.e. pushing/shoving), etc.
13. **WILLFUL DEFIANCE CAUSING A MAJOR CAMPUS OR CLASS DISRUPTION**: Any willful major act of insubordination, verbal or non-verbal, that causes a major campus disruption and significantly distracts from or interrupts the educational environment, or any administrative, disciplinary, or other activity sponsored or approved by the district. Student's behavior creates a clear threat to the safety of self or others. (Penal Code Sec. 148.1) (E.C. 48900, sub-section k)
Depending on the circumstances, the frequency and severity of the offense, behavioral interventions and alternatives to suspension may be used as determined by the site administrator.

14. **FAILING TO IDENTIFY ONES SELF** or giving false information to school personnel. (E.C. 48900, sub-section k)
Behavioral interventions and/or other alternative means of correction.
15. **FORGING, FALSIFYING, ALTERING, OR USING FORGED SCHOOL CORRESPONDENCE, PASSES, OR RE-ADMIT SLIPS** (E.C. 48900, sub-section k)
Behavioral interventions and/or other alternative means of correction.
16. **BEHAVIOR ON BUS**
1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: Not allowed to ride the bus for 3 days.
3rd Offense: Not allowed to ride the bus for 5 days.
4th Offense: Not allowed to ride the bus for 10 days.
5th Offense: Not allowed to ride the bus for 20 days or the remainder of the current semester/trimester, whichever is greater.
6th Offense: Not allowed to ride the bus for the remainder of the school year.
Note: Depending on the seriousness of the act, the student may lose bus privileges for the remainder of the school year on the first or succeeding offenses.
Note: Depending on the circumstances, alternatives to suspension from the bus may be used as determined by the site administrator.
17. **LOITERING ON OR ABOUT ANY CAMPUS** without apparent lawful purpose. (E.C. 48900, sub-section k) (Penal Code 653b and 627.2)
Behavioral interventions and/or other alternative means of correction.
Note: A student may be subject to arrest according to Penal Code 653b if he/she loiters at or near any school or public place at or near where students attend or normally congregate, or re-enters or comes upon such school or place after being asked to leave by a school official. According to PC 653b, punishment for loitering includes a fine not to exceed \$1,000 and/or imprisonment in the county jail not to exceed six months.
18. **BEING IN A PARKING LOT OR OUT OF BOUNDS** without proper authorization. (E.C. 48900, sub-section k)
Behavioral interventions and/or other alternative means of correction.
19. **POSSESSING OR USE OF ANY ELECTRONIC SIGNALING OR COMMUNICATION DEVICE**
Students may possess electronic signaling or communication devices that operate through the transmission or receipt of radio waves on campus during the school day, while attending school sponsored activities, or while under the supervision and control of school district employees. Electronic signaling or communication devices shall be turned off and not be visible during class time, unless used for instructional purposes. (BP 5138) (No pupil shall be prohibited from using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and use of which is limited to health-related purposes or during a school-wide emergency affecting the school or community.) (E.C. 48901.5)
1st Offense: Warning to student and/or alternative means of correction. Parent notification.
2nd Offense: Detention, Saturday School, or other alternatives to home suspension.
3rd Offense: Partnered Classroom.
Note: All subsequent violations are subject to additional referrals to the Intervention Center.
Note: Unauthorized object may be confiscated by school authorities. The principal/designee will decide whether to return the object to the student or the parent/guardian.
Note: Use of electronic signaling or communication devices to bully, harass or cheat may result in more severe consequences even if such misconduct occurred off-campus and during non-school hours. (E.C. 48900 r)
20. **USE OF SLURS** either verbally or in writing based on race, religion, ethnic background or national origin, language, gender, sexual orientation, economic status, physical or developmental disabilities, or other special needs. (E.C. 48900, sub-section k) (BP 5145.4)
Behavioral interventions and/or other alternative means of correction.
21. **TAMPERING WITH PROPERTY OF THE SCHOOL DISTRICT** or belongings of any other person. (E.C. 48900, sub-section k)
Behavioral interventions and/or other alternative means of correction.

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22. **VIOLATING THE USE OF TECHNOLOGY, NETWORK, AND ELECTRONIC INFORMATION POLICY** (E.C. 48900, sub-section k and t) (BP 6163.4)
Behavioral interventions and/or other alternative means of correction.
23. **POSSESSING OF ANY OBJECT NOT OF A DANGEROUS NATURE** (i.e. items a school administrator identifies as disruptive.) (E.C. 48900, sub-section k) (Unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.)
Note: Unauthorized object may be confiscated by school authorities. The principal/designee will decide whether to return the object to the student or the parent/guardian.
1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: Detention, Saturday School, or other alternatives to home suspension.
3rd Offense: Partnered Classroom.
Note: All subsequent violations are subject to additional referrals to in-school suspension.
24. **KNOWINGLY RECEIVING STOLEN SCHOOL PROPERTY OR PRIVATE PROPERTY** (E.C. 48900 sub-section l)
Note: If a prior offense was committed during the previous two school years, stolen items of value greater than \$25.00 will warrant consequences starting at Step 2.
1st Offense: Behavioral interventions and/or other alternative means of correction.
2nd Offense: 3-day suspension.
3rd Offense: 5-day suspension and recommendation for expulsion.
25. **HARASSED, THREATENED, OR INTIMIDATED A PUPIL WHO IS A COMPLAINING WITNESS OR WITNESS IN A SCHOOL DISCIPLINARY PROCEEDING** for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both. (E.C. 48900, sub-section o, r)
1st Offense: 5-day suspension and possible recommendation for expulsion.
2nd Offense: 5-day suspension, recommendation for expulsion.
26. **ENGAGING IN, OR HAVING ANY PART IN HAZING** or committing any act that injures, degrades, or disgraces any other person attending school. Causing, attempting to cause, threatening to cause, or participating in an act of hate violence. (E.C. Sec. 32050-52) (E.C. Sec. 33032.5) (E.C. 48900, sub-section a and/or k and q) (E.C. 48900.3)
“Hazing” includes any method of initiation or pre-initiation into a student organization or student body or any pastime or amusement engaged in with respect to these organizations which causes, or is likely to cause bodily danger, physical harm, or personal degradation or disgrace. (E.C. 32050)
1st Offense: 1-day suspension.
2nd Offense: 3-day suspension.
3rd Offense: 5-day suspension and recommendation for expulsion.
27. **ENGAGING IN AN ACT OF BULLYING**, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel. (E.C. 48900, sub-section r)
1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: 3-day suspension.
3rd Offense: 5-day suspension and possible recommendation for alternative education program or expulsion.
Note: Any act committed against school staff would warrant consequences starting at step 2.
Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or a group of pupils as defined in E.C. 48900.2, 48900.3, or 48900.4, directed towards one or more pupils that has been or can be reasonably predicted to have the effect of one or more of the following:
A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.
B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

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

An “electronic act” is defined as transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web Site by means of an electronic device, including but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager. Students may be subject to discipline even if such misconduct occurred off-campus and during non-school hours.

28. **THREATENING, INTIMIDATING, MENACING OR HARASSING (INCLUDING SEXUAL HARASSMENT) ANY OTHER PERSON** (E.C. 48900 sub-section a, r, and/or k) (E.C. 48900.2) (E.C. 48900.4) Possible removal from campus or separation of student. (See pages 53-55)

1st Offense: Warning to student and/or other alternative means of correction.

2nd Offense: 3-day suspension.

3rd Offense: 5-day suspension and recommendation for alternative education program or expulsion.

Note: In the event an allegation of sexual harassment is not resolved informally to the satisfaction of a complainant, the complainant may use the District complaint process for formal resolution of such complaints. (AR 5145.7)

29. **ANY DRESS, GROOMING, OR APPEARANCE** which disrupts, or tends to disrupt the educational process, or affect the health or safety of individuals shall be prohibited. (E.C. 48900, sub-section k) (E.C. 35161, 35183, 35291.5, 35294.1; C.A.C. Title 5, Section 302; and BP 5135, 5135.1, and 5137.) Refer to AR 5135, pages 56-58.

Note: Any attire/paraphernalia/symbol that signifies gang affiliation will not be allowed on campus. Any attire/paraphernalia/symbol that displays a logo or other message promoting alcohol or controlled substances, promoting violence, illegal activity, or relating to gangs may not be worn on campus.

Note: In addition to this Conduct Code, schools may have additional rules approved by School Safety Committees.

1st Offense: Warning to student. Notification of parent. Student may be sent home to dress properly, if necessary.

2nd Offense: Detention, Saturday School, or other alternatives to home suspension.

3rd Offense: Partnered Classroom.

Note: All subsequent violations are subject to additional referrals to in-school suspension.

K-6 LEVEL II OFFENSES

SUSPENSION REQUIRED

POSSIBLE RECOMMENDATION FOR EXPULSION

1. **CAUSED SERIOUS PHYSICAL INJURY** to another person, except in self- defense. (E.C. 48915 sub-section (a) (1) and 48900, sub-section a) An individual must do everything possible to avoid a conflict. Acts of aggression will not be considered self-defense.

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: “Serious bodily injury” means a serious impairment of physical condition including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement. (P.C. 243 (f) (4))

Note: An incident will be considered a mutual fight when two students engage in a physical altercation, regardless of who initiated the conflict. A student who allows him/herself to be provoked into fighting will be considered as guilty as the one who starts the fight. It is the responsibility of the administrator to conduct an investigation to determine if one of the parties was acting in self- defense.

2. **POSSESSED, SOLD, OR OTHERWISE FURNISHED ANY FIREARM, KNIFE, EXPLOSIVE, OR OTHER DANGEROUS OBJECT** of no reasonable use to the pupil on school grounds or at a

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school related activity off school grounds unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. (E.C. 48915 sub-section (a) (2) and 48900, sub-section b)

Note: A knife includes, but is not limited to, a dirk, dagger, ice pick, razor any folding blade knife, any locking blade knife, fixed blades longer than 3 ½”, or objects with a fixed, sharpened blade designed to cut or stab.

Note: Furnishing, or possessing an imitation controlled substance (look-a-likes) with the intent to distribute will result in a recommendation for expulsion. Imitation controlled substances are considered “dangerous objects.” This offense is also in violation of Health and Safety Code 11680.

Note: Look-a-like (imitation) toy guns refers to a replica of a firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (E.C. 48900 sub- section m)

Note: Possession of tear gas/tear gas weapon/pepper spray is considered a dangerous object. (Penal Code Sec. 12401, 12402) (E.C. 49330)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

3. **UNLAWFUL POSSESSION ANY CONTROLLED SUBSTANCE** as listed in Chapter 2 (commencing with Section 11053) of the Health and Safety Code, except for the first offense of possession of not more than one ounce of marijuana, other than concentrated cannabis. (E.C. 48915 sub-section (a) (3) and E.C. 48900, sub-section c, 48900 sub-section p)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: Does not include the possession of over-the-counter medication used by the student, or medication prescribed for the student by a physician (AB 2537).

4. **COMMITTED OR ATTEMPTED TO COMMIT ROBBERY OR EXTORTION** (E.C. 48915 sub-section (a) (4) and 48900 sub-section e)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

5. **COMMITTED ASSAULT OR BATTERY ON SCHOOL PERSONNEL** (Penal Code Sec. 240, 242) (E.C. 48915 sub-section (a) (5) and E.C. 48900, sub-section a, E.C. 44014)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

6. **FURNISHED OR SOLD ANY CONTROLLED SUBSTANCE** listed in Chapter 2 (as defined in Section 11053 of the Health and Safety Code), an alcoholic beverage, or an intoxicant of any kind. (E.C. 48915 and E.C. 48900, sub-section c, 48900 sub- section p)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

7. **OFFERED, ARRANGED, OR NEGOTIATED TO SELL ANY CONTROLLED SUBSTANCE** defined in Section 11053 of the Health and Safety Code, alcoholic beverage, or intoxicant and then sold, delivered,

or furnished look-a-likes or in lieu substances. (E.C. 48900, sub-section d)

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

8. **COMMITTED A TERRORISTIC THREAT** including, but not limited to, a bomb threat. (E.C. 48900.7) This includes any threatening statement, written or oral, which threatens death, great bodily injury or property damage in excess of \$1000, even if there is no intent of actually carrying it out.

1st offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: The elements of a Terroristic Threat include the intent that the statement be taken as a serious threat, the gravity and immediacy of the threat is unequivocal, unconditional, immediate and specific, and causes sustained fear in the person/people threatened.

K-6 LEVEL III OFFENSES

RECOMMENDATION FOR EXPULSION MANDATED BY LAW

E.C. 48915 (c)

“Expulsion” means removal of a pupil from the supervision and control of school personnel.

These are serious offenses and notification of appropriate law enforcement agency is required.

1. **POSSESSING, SELLING, OR OTHERWISE FURNISHING A FIREARM**, unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. (E.C. 48915, sub-section (c) (1))

1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

2. **BRANDISHING A KNIFE AT ANOTHER PERSON** (E.C. 48915 sub-section (c) (2))

1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: Brandishing means to display or wield in a threatening manner.

3. **UNLAWFULLY SELLING A CONTROLLED SUBSTANCE** listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code. (E.C. 48915 sub-section (c) (3))

1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

4. **COMMITTED OR ATTEMPTED TO COMMIT A SEXUAL ASSAULT** as defined in Sections 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. (E.C 48915 sub-section (c) (4) and E.C. 48900, sub-section n)

1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

5. **POSSESSION OF AN EXPLOSIVE** (E.C. 48915 sub-section (c) (5))

1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

7-12 LEVEL I OFFENSES

CAUSES FOR HOME SUSPENSION OR OTHER ALTERNATIVE CONSEQUENCES

(See pages 43-49 regarding extra-curricular activities eligibility)

WITH THE EXCEPTION OF SERIOUS VIOLATIONS OF THE STUDENT CONDUCT CODE, CORRECTIVE MEASURES WILL NORMALLY BEGIN AT A MINIMAL LEVEL AND THEN PROCEED TO MORE SERIOUS LEVELS. THESE PROCEDURES MAY INCLUDE BUT ARE NOT LIMITED TO: COUNSELING, PARENT CONFERENCE, BEHAVIOR PLAN, CLASSROOM INTERVENTIONS, COMMUNITY SERVICE, RESTITUTION, CONFLICT RESOLUTION, PARENT SUPERVISION IN SCHOOL, DETENTION, LOSS OF SCHOOL PRIVILEGES, CLASS SUSPENSION, BEHAVIOR CONTRACT, SATURDAY SCHOOL, INTERVENTION CENTER (IC), HOME SUSPENSION, ALTERNATIVE EDUCATION TRANSFER, EXPULSION RECOMMENDATION.

LAW ENFORCEMENT AGENCIES MAY BE NOTIFIED AT THE DISCRETION OF THE ADMINISTRATION.

IF THE NATURE OF THE OFFENSE MAKES AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION RECOMMENDATION APPROPRIATE, THE STUDENT WILL BE SUSPENDED FIVE DAYS FOR THE INFRACTION.

STUDENT MAY BE SUSPENDED ON THE FIRST OFFENSE IF IT IS DETERMINED THAT THE PUPIL'S PRESENCE CAUSES A DANGER TO PERSONS. (E.C. 48900.5)

GANG RELATED OFFENSES - A STUDENT MAY BE SUSPENDED FOR FIVE DAYS ON THE FIRST OFFENSE AND RECOMMENDED FOR AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION.

OFFENSES 1-3, 7-8, AND 26-29 ONLY - IF THE SERIOUSNESS OF THE ACT LEADS TO A DETERMINATION THAT THE PRESENCE OF THE STUDENT CAUSES A DANGER TO PERSONS, THE STUDENT MAY BE RECOMMENDED FOR AN ALTERNATIVE EDUCATION PLACEMENT OR EXPULSION ON THE FIRST OR SUCCEEDING OFFENSES.

1. **CAUSING, ATTEMPTING, OR THREATENING TO CAUSE PHYSICAL INJURY OR WILLFULLY USING FORCE OR VIOLENCE UPON ANOTHER PERSON**, except in self-defense. (E.C. 48900, sub-sections (a) (1), (a) (2), r, and s) An individual must do everything possible to avoid a conflict. Acts of aggression will not be considered self-defense.
Note: An incident will be considered a mutual fight when two students engage in a physical altercation, regardless of who initiated the conflict. A student who allows him/herself to be provoked into fighting will be considered as guilty as the one who starts the fight. It is the responsibility of the administrator to conduct an investigation to determine if one of the parties was acting in self- defense.
1st Offense: 3-day suspension.
2nd Offense: 5-day suspension and possible recommendation for alternative education program or expulsion.
3rd Offense: 5-day suspension and recommendation for alternative education program or expulsion.
Note: Any act committed against school staff shall warrant consequences starting at Step 2.
Note: If a student caused serious physical injury (as defined in Penal Code Section 243) to another person, except in self-defense, the principal must recommend expulsion or report in writing to the superintendent who will advise the governing board that expulsion is inappropriate due to the nature of the particular circumstances which shall be indicated in the report of the incident. (E.C. 48915).
2. **POSSESSING ANY OBJECTS** of a dangerous nature (unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal) **ON CAMPUS** if the principal deems expulsion inappropriate. (E.C. 48900 sub-section b)
Note: Toy guns (imitation) are considered objects of a dangerous nature. Look-a-like (imitation) toy guns refers to a replica of a firearm that is substantially similar in physical properties to an

existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (E.C. 48900 sub- section m). Possession of any toy weapon that appears to be real to a reasonable person or that is used in a threatening manner may result in alternative placement or recommendation for expulsion. (E.C. 48900, sub- section m) Also, see page 41, number 2.

Note: Laser pointers are considered objects of a dangerous nature.

1st Offense: Warning to student. Notification of parent and/or other alternative means of correction.

2nd Offense: 3-day suspension.

3rd Offense: 5-day suspension and possible recommendation for alternative education program.

3. **POSSESSING, USING, OR BEING UNDER THE INFLUENCE OF** an alcoholic beverage or intoxicant of any kind. Possessing not more than one ounce of marijuana. Using or being under the influence of marijuana or any controlled substance (as defined in Section 11053 of the Health and Safety Code). (E.C. 48915 and E.C. 48900, sub-section c)

1st Offense: 5-day suspension and notification of appropriate law enforcement agency. May be assigned to a substance abuse counseling program.

Note: The suspension will be reduced to three days if the student completes a district-approved intervention program.

Ineligibility for extra-curricular activities would then be reduced from eighteen school weeks to nine school weeks.

2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: Does not include possession of over-the-counter medication used by the student, or medication prescribed for the student by a physician (AB 2537).

Note: Students appearing at school functions and having consumed or having in their possession alcoholic beverages or drugs may be handled by police action. (Penal Code Sec. 647) (Health and Safety Code Sec. 11550)

4. **CAUSING OR ATTEMPTING TO CAUSE DAMAGE TO PROPERTY** - cutting, defacing, or otherwise injuring any school district property, or the malicious injury or destruction of any other person's real or personal property. (Penal Code Sec. 594) (E.C. 48900, sub-section f)

Note: If a prior offense was committed during the previous three school years, damage valued in excess of \$25.00 will warrant consequences starting at Step 2. Offenses will not carry over from junior high to high school.

1st Offense: Behavioral interventions and/or other alternative means of correction.

2nd Offense: 3-day suspension and possible recommendation for alternative education program.

3rd Offense: 5-day suspension and recommendation for expulsion.

Note: Parent/guardian will be held responsible for damage to school district property up to the State established limit. When the minor and parent are unable to pay for the damages, the school district shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Parents or guardian of the student are also liable for the amount of a reward paid for information leading to the apprehension of person(s) causing damage up to the State established limit. (E.C. 48904)

5. **STEALING OR ATTEMPTING TO STEAL SCHOOL PROPERTY OR PRIVATE PROPERTY** (E.C. 48900 sub-section g)

Note: If a prior offense was committed during the previous three school years, stolen items of value greater than \$25.00 will warrant consequences starting at Step 2. Offenses will not carry over from junior high to high school.

1st Offense: Behavioral interventions and/or other alternative means of correction.

2nd Offense: 4-day suspension and recommendation for alternative education program.

3rd Offense: 5-day suspension and recommendation for expulsion.

6. **POSSESSING OR USING TOBACCO** (or any products containing tobacco or nicotine products) in grades 7-12. (E.C. 48900, sub-section h)

Tobacco and nicotine products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (E.C. 48900, sub-section h)

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1st Offense: Behavioral interventions and/or other alternative means of correction.

2nd Offense: 2-day suspension.

3rd Offense: 3-day suspension.

Note: No school shall permit the smoking or use of tobacco, or any product containing tobacco, or nicotine products, by pupils of the school while pupils are on campus, or while attending school-sponsored activities or while under the supervision and control of school district employees. (E.C. 48901)

Students' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited. Confiscated materials will be returned to parents upon request. Confiscated materials will not be returned to students.

7. **COMMITTING AN OBSCENE ACT OR ENGAGING IN HABITUAL PROFANITY OR VULGARITY** either verbally or in writing. (E.C. 48900, sub-section i)

Note: A student may be suspended on the first offense for 5 days if such behavior causes a danger to persons (E.C. 48900.5).

1st Offense: Warning to student and/or alternative means of correction.

2nd Offense: 3-day suspension.

3rd Offense: 5-day suspension and possible recommendation for alternative education program.

Note: If a prior offense was committed during the previous three school years, any act committed against school staff will warrant consequences starting at Step 2. Offenses will not carry over from junior high to high school.

8. **UNLAWFULLY POSSESSING OR UNLAWFULLY OFFERING, ARRANGING, OR NEGOTIATING TO SELL ANY DRUG PARAPHERNALIA**, as defined in Section 11014.5 of the Health and Safety Code. (E.C. 48900, sub-section j)

1st Offense: 5-day suspension and notification of appropriate law enforcement agency. May be assigned to a substance abuse counseling program.

Note: The suspension will be reduced to three days if the student completes a district-approved intervention program.

Ineligibility for extra-curricular activities would then be reduced from eighteen school weeks to nine school weeks.

2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

9. **ACTIVATION OF FALSE ALARMS OR TAMPERING WITH EMERGENCY EQUIPMENT, FIRE-SETTING OR ATTEMPTED FIRE-SETTING**. (Penal Code Sec. 447 and 455, 148.4) (E.C. 48900, sub-section k)

Grades 7-8: Behavioral interventions and/or other alternative means of correction.

Grades 9-12: 1st Offense: 5-day suspension.

2nd Offense: 5-day suspension.

Note: Fire-setting of any nature may lead to recommendation for alternative education program or expulsion on the first offense. Fire-setting is never considered to be a prank. The burning of trash cans can lead to immediate and serious consequences.

10. **CHEATING** (E.C. 48900, sub-section k)

Grades 7-8: Warning to student. Behavioral interventions and/or other alternative means of correction. "F" on assignment/test.

Grades 9-12: 1st Offense: Warning to student. "F" on assignment/test.

2nd Offense: 2-day suspension. "F" on assignment/test.

3rd Offense: 4-day suspension. "F" on assignment/test.

11. **WILLFUL DEFIANCE OR DISOBEDIENCE**: A willful act, verbal or non-verbal, that demonstrates deliberate resistance or refusal to obey a reasonable request or directive issued by a school district employee. (E.C. 48900, sub-section k)

Grades 7-8: Behavioral interventions and/or other alternative means of correction.

Grades 9-12: Depending on the circumstances, the frequency and severity of the offense, behavioral interventions and alternatives to suspension may be used as determined by the site administrator.

Suspension (including Intervention Center) may be imposed only after other means of correction have failed to bring about proper conduct unless the student's presence poses a danger to other persons.

Examples: Including but not limited to: Eating/drinking in class, willfully defying staff in non-safety related incident, non-habitual use of profanity or vulgarity, verbal insults/put-downs/name calling (non-discriminatory), horseplay, etc.

12. **INTERFERING WITH THE PEACEFUL CONDUCT OF THE CAMPUS OR CLASSROOM:** Any willful act of a minor but annoying nature, verbal or non-verbal, that disrupts the educational process, distracts from the educational environment, or interrupts any administrative, disciplinary, or other activity sponsored or approved by the district. (E.C. 48900, sub-sections k, r)

Grades 7-8: Behavioral interventions and/or other alternative means of correction.

Grades 9-12: Depending on the circumstances, the frequency and severity of the offense, behavioral interventions and alternatives to suspension may be used as determined by the site administrator. Suspension (including Intervention Center) may be imposed only after other means of correction have failed to bring about proper conduct unless the student's presence poses a danger to other persons.

Examples: Including but not limited to: Minor altercation not resulting in actual fight (i.e. pushing/shoving), etc.

13. **WILLFUL DEFIANCE CAUSING A MAJOR CAMPUS OR CLASS DISRUPTION:** Any willful major act of insubordination, verbal or non-verbal, that causes a major campus disruption, creates a danger to other persons, and severely distracts from or interrupts the educational environment, or any administrative, disciplinary, or other activity sponsored or approved by the District. (Penal code Sec. 148.1) (E.C. 48900, sub section k)

Grades 7-8: Behavioral interventions and/or other alternative means of correction.

Grades 9-12: 1st Offense: 5-day suspension. (If it is determined that the action created a danger to other persons.)

2nd Offense: 5-day suspension. Recommendation for alternative education program.
Mandatory removal from campus.

Examples: Including but not limited to: Activating a fire alarm, physical altercation, instigating a fight, etc.

14. **FAILING TO IDENTIFY ONESELF** or giving false information to school personnel. (E.C. 48900, sub-section k)

Grades 7-8: Behavioral interventions and/or other alternative means of correction.

Grades 9-12: 1st Offense: Warning to student and/or alternative means of correction.

2nd Offense: 2-day suspension.

3rd Offense: 4-day suspension and possible recommendation for alternative education program.

15. **FORGING, FALSIFYING, ALTERING, OR USING FORGED SCHOOL CORRESPONDENCE, PASSES, OR RE-ADMIT SLIPS** (E.C. 48900, sub-section k)

Grades 7-8: Behavioral interventions and/or other alternative means of correction.

Grades 9-12: 1st Offense: Warning to student and/or other alternative means of correction.

2nd Offense: 2-day suspension.

3rd Offense: 4-day suspension and possible recommendation for alternative education program.

16. **GAMBLING AND WAGERING**, or habitually being present where gambling and wagering are taking place. (E.C. 48900, sub-section k)

Grades 7-8: Behavioral interventions and/or other alternative means of correction.

Grades 9-12: 1st Offense: Warning to student and/or alternative means of correction.

2nd Offense: 2-day suspension.

3rd Offense: 4-day suspension and possible recommendation for alternative education program.

17. **BEHAVIOR ON BUS**

1st Offense: Warning to student and/or alternative means of correction.

2nd Offense: Not allowed to ride the bus for 3 days.

3rd Offense: Not allowed to ride the bus for 5 days.

4th Offense: Not allowed to ride the bus for 10 days.

5th Offense: Not allowed to ride the bus for 20 days or the remainder of the current semester/trimester, whichever is greater.

6th Offense: Not allowed to ride the bus for the remainder of the school year.

Note: Depending on the seriousness of the act, the student may lose bus privileges for the remainder of

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the school year on the first or succeeding offenses.

Note: Depending on the circumstances, alternatives to suspension from the bus may be used as determined by the site administrator.

18. **LOITERING ON OR ABOUT ANY CAMPUS** without apparent lawful purpose. (E.C. 48900, sub-section k) (Penal Code 653b and 627.2)

Note: A student may be subject to arrest according to Penal Code 653b if he/she loiters at or near any school or public place at or near where students attend or normally congregate, or re-enters or comes upon such school or place after being asked to leave by a school official. According to PC 653b, punishment for loitering includes a fine not to exceed \$1,000 and/or imprisonment in the county jail not to exceed six months.

Grades 7-8: Behavioral interventions and/or other alternative means of correction.

Grades 9-12: 1st Offense: Warning to student and/or alternative means of correction.

2nd Offense: 2-day suspension.

3rd Offense: 4-day suspension and possible recommendation for alternative education program.

19. **BEING IN A PARKING LOT OR OUT OF BOUNDS** without proper authorization. (E.C. 48900, sub-section k)

Grades 7-8: Behavioral interventions and/or other alternative means of correction.

Grades 9-12: 1st Offense: Warning to student and/or alternative means of correction.

2nd Offense: 1-day suspension.

3rd Offense: 3-day suspension.

20. **POSSESSING OR USE OF ANY ELECTRONIC SIGNALING OR COMMUNICATION DEVICE:**

Students may possess electronic signaling or communication devices that operate through the transmission or receipt of radio waves on campus during the school day, while attending school-sponsored activities, or while under the supervision and control of a school district employee. Electronic signaling or communication devices shall be turned off and not be visible during class time, unless used for instructional purposes. (BP 5138) (No pupil shall be prohibited from using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and use of which is limited to health-related purposes or during a school-wide emergency affecting the school or community.) (E.C. 48901.5)

1st Offense: Warning to student and/or alternative means of correction. Parent notification.

2nd Offense: Detention, Saturday School, or other alternatives to home suspension.

3rd Offense: 1-day Intervention Center.

Note: All subsequent violations are subject to additional referrals to Intervention Center.

Note: Unauthorized object may be confiscated by school authorities. The principal/designee will decide whether to return the object to the student or the parent/guardian.

Note: Use of electronic signaling or communication devices to bully, harass or cheat may result in more severe consequences even if such misconduct occurred off-campus and during non-school hours. (E.C. 48900 r)

21. **USE OF SLURS** either verbally or in writing based on race, religion, ethnic background or national origin, language, gender, sexual orientation, economic status, physical or developmental disabilities, or other special needs. (E.C. 48900, sub-section k) (BP 5145.4)

Grades 7-8: Behavioral interventions and/or other alternative means of correction.

Grades 9-12: 1st Offense: Warning to student and/or alternative means of correction.

2nd Offense: 3-day suspension.

3rd Offense: 5-day suspension and possible recommendation for alternative education program.

Note: If a prior offense was committed during the previous three school years, any act committed against school staff would warrant consequences starting at Step 2. Offenses will not carry over from junior high to high school.

22. **TAMPERING WITH PROPERTY OF THE SCHOOL DISTRICT** or belongings of any other person. (E.C. 48900, sub-section k)

Grades 7-8: Behavioral interventions and/or other alternative means of correction.

Grades 9-12: 1st Offense: Warning to student and/or alternative means of correction.

2nd Offense: 2-day suspension.

3rd Offense: 4-day suspension and possible recommendation for alternative education program.

23. **VIOLATING THE USE OF TECHNOLOGY, NETWORK, AND ELECTRONIC INFORMATION POLICY** (E.C. 48900, sub-sections k and t) (BP 6163.4)
Grades 7-8: Behavioral interventions and/or other alternative means of correction.
Grades 9-12: 1st Offense: Warning to student and loss of network and computer use.
2nd Offense: 1-day suspension and loss of network and computer use.
3rd Offense: 3-day suspension and possible recommendation for alternative education program.
24. **POSSESSION OF ANY OBJECT NOT OF A DANGEROUS NATURE** (i.e. items a school administrator identifies as disruptive.) (E.C. 48900, sub-section k) (Unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.)
Note: Unauthorized object may be confiscated by school authorities. The principal/designee will decide whether to return the object to the student or the parent/guardian.
1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: Detention, Saturday School, or other alternatives to home suspension.
3rd Offense: 1-day Intervention Center.
Note: All subsequent violations are subject to additional referrals to Intervention Center.
Note: Modesto City Schools is not responsible for the loss or damage of personal property, because of vandalism or theft. Students are responsible for all of their personal belongings.
25. **KNOWINGLY RECEIVING STOLEN SCHOOL PROPERTY OR PRIVATE PROPERTY** (E.C. 48900 sub-section l)
Note: If a prior offense was committed during the previous three school years, stolen items of value greater than \$25.00 will warrant consequences starting at Step 2. Offenses will not carry over from junior high to high school.
1st Offense: Behavioral interventions and/or other alternative means of correction.
2nd Offense: 4-day suspension and recommendation for alternative education program.
3rd Offense: 5-day suspension and recommendation for expulsion.
26. **HARASSED, THREATENED, OR INTIMIDATED A PUPIL WHO IS A COMPLAINING WITNESS OR WITNESS IN A SCHOOL DISCIPLINARY PROCEEDING** for the purpose of preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both. (E.C. 48900, sub-sections o, r)
1st Offense: 5-day suspension and possible recommendation for expulsion.
2nd Offense: 5-day suspension, recommendation for alternative education program or expulsion.
Mandatory removal from campus.
27. **ENGAGING IN, OR HAVING ANY PART IN HAZING** or committing any act that injures, degrades, or disgraces any other person attending school. Causing, attempting to cause, threatening to cause, or participating in an act of hate violence. (E.C. Sec. 32050-52) (E.C. Sec. 33032.5) (E.C. 48900, sub-sections a and/or k and q) (E.C. 48900.3)
“Hazing” includes any method of initiation or pre-initiation into a student organization or student body or any pastime or amusement engaged in with respect to these organizations which causes, or is likely to cause bodily danger, physical harm, or personal degradation or disgrace. (E.C. 32050)
1st Offense: 2-day suspension.
2nd Offense: 4-day suspension and recommendation for alternative education program.
3rd Offense: 5-day suspension and recommendation for expulsion.
28. **ENGAGING IN AN ACT OF BULLYING**, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel. (E.C. 48900, sub-section r)
1st Offense: Warning to student and/or alternative means of correction.
2nd Offense: 3-day suspension.
3rd Offense: 5-day suspension and possible recommendation for alternative education program or expulsion.
Note: Any act committed against school staff would warrant consequences starting at step 2.
Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or a group of pupils as defined in E.C. 48900.2, 48900.3, or 48900.4, directed towards one or more pupils that has been or can be reasonably predicted to have the effect of one or more of the following:

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- A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
- B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
- D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

An "electronic act" is defined as transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web Site by means of an electronic device, including but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager. Students may be subject to discipline even if such misconduct occurred off-campus and during non-school hours.

29. **THREATENING, INTIMIDATING, MENACING OR HARASSING (INCLUDING SEXUAL HARASSMENT) ANY OTHER PERSON** (E.C. 48900 sub-sections a, r and/or k) (E.C. 48900.2) (E.C. 48900.4) Possible removal from campus or separation of student. (See pages 53-55)

1st Offense: Warning to student and/or other alternative means of correction.

2nd Offense: 3-day suspension.

3rd Offense: 5-day suspension and recommendation for alternative education program or expulsion.

Note: In the event an allegation of sexual harassment is not resolved informally to the satisfaction of a complainant, the complainant may use the District complaint process for formal resolution of such complaints. (AR 5145.7)

30. **ANY DRESS, GROOMING, OR APPEARANCE** which disrupts, or tends to disrupt the educational process, or affect the health or safety of individuals shall be prohibited. (E.C. 48900, sub-section k) (E.C. 35161, 35183, 35291.5, 35294.1; C.A.C. Title 5, Section 302; and BP 5135, 5135.1, and 5137.) Refer to AR 5135 on pages 56-58.

Note: Any attire/paraphernalia/symbol that signifies gang affiliation will not be allowed on campus.

Any attire/paraphernalia/symbol that displays a logo or other message promoting alcohol or controlled substances, promoting violence, illegal activity, or relating to gangs may not be worn on campus.

Note: In addition to this Conduct Code, schools may have additional rules approved by School Safety Committees.

1st Offense: Warning to student. Notification of parent. Student may be sent home to dress properly, if necessary.

2nd Offense: Detention, Saturday School, or other alternatives to home suspension.

3rd Offense: 1-day Intervention Center.

Note: All subsequent violations are subject to additional referrals to in-school suspension.

7-12 LEVEL II OFFENSES

SUSPENSION REQUIRED

POSSIBLE RECOMMENDATION FOR EXPULSION

(See pages 43-49 regarding extra-curricular activities eligibility)

1. **CAUSED SERIOUS PHYSICAL INJURY** to another person, except in self-defense. (E.C. 48915 sub-section (a) (1) and 48900, sub-section a). An individual must do everything possible to avoid a conflict. Acts of aggression will not be considered self-defense.

1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.

2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: "Serious bodily injury" means a serious impairment of physical condition including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement. (P.C. 243 (f) (4))

Note: An incident will be considered a mutual fight when two students engage in a physical altercation, regardless of who initiated the conflict. A student who allows him/herself to be provoked into fighting will be considered as guilty as the one who starts the fight. It is the responsibility of the administrator to conduct an investigation to determine if one of the parties was acting in self-defense.

2. **POSSESSED, SOLD, OR OTHERWISE FURNISHED ANY FIREARM, KNIFE, EXPLOSIVE, OR OTHER DANGEROUS OBJECT** of no reasonable use to the pupil on school grounds or at a school related activity off school grounds unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. (E.C. 48915 sub-section (a) (2) and 48900, sub-section b)
Note: A knife includes, but is not limited to, a dirk, dagger, ice pick, razor any folding blade knife, any locking blade knife, fixed blades longer than 3 ½”, or objects with a fixed, sharpened blade designed to cut or stab. (E.C. 48915 sub-section g)
Note: Furnishing or possessing an imitation controlled substance (look-a-likes) with the intent to distribute will result in a recommendation for expulsion. Imitation controlled substances are considered “dangerous objects.” This offense is also in violation of Health and Safety Code 11680.
Note: Look-a-like (imitation) toy guns refers to a replica of a firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (E.C. 48900 sub- section m).
Note: Possession of tear gas/tear gas weapon/pepper spray is considered a dangerous object. (Penal Code Sec. 12401, 12402) (E.C. 49330)
1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.
3. **UNLAWFUL POSSESSION ANY CONTROLLED SUBSTANCE** as listed in Chapter 2 (commencing with Section 11053) of the Health and Safety Code, except for the first offense of possession of not more than one ounce of marijuana, other than concentrated cannabis. (E.C. 48915 sub-section (a) (3) and E.C. 48900, sub-sections c, p)
1st Offense: 5-day suspension, suspension reductions (see page 35, number 3) - and notification of appropriate law enforcement agency.
Note: The suspension will be reduced to three days if the student completes a district-approved intervention program.
2nd Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
3rd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.
Note: Does not include possession of over-the-counter medication used by the student, or medication prescribed for the student by a physician (AB 2537).
4. **COMMITTED OR ATTEMPTED TO COMMIT ROBBERY OR EXTORTION** (E.C. 48915 sub-section (a) (4) and 48900 sub-section e)
1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.
5. **COMMITTED ASSAULT OR BATTERY ON SCHOOL PERSONNEL** (Penal Code Sec. 240, 242) (E.C. 48915 sub-section (a) (5) and E.C. 48900, sub-section a, E.C. 44014)
1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.
6. **FURNISHED OR SOLD ANY CONTROLLED SUBSTANCE** listed in Chapter 2 (as defined in Section 11053 of the Health and Safety Code), an alcoholic beverage, or an intoxicant of any kind. (E.C. 48915 and E.C. 48900, sub-sections c, p)
1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

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7. **OFFERED, ARRANGED, OR NEGOTIATED TO SELL ANY CONTROLLED SUBSTANCE** defined in Section 11053 of the Health and Safety Code, alcoholic beverage, or intoxicant and then sold, delivered, or furnished look-a-likes or in lieu substances. (E.C. 48900, sub-section d)
1st Offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.
8. **COMMITTED A TERRORISTIC THREAT** including, but not limited to, a bomb threat. (E.C. 48900.7)
This includes any threatening statement, written or oral, which threatens death, great bodily injury or property damage in excess of \$1,000, even if there is no intent of actually carrying it out.
1st offense: 5-day suspension, possible recommendation for expulsion, and notification of appropriate law enforcement agency.
2nd Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: The elements of a Terroristic Threat include the intent that the statement be taken as a serious threat, the gravity and immediacy of the threat is unequivocal, unconditional, immediate and specific, and causes sustained fear in the person/people threatened.

7-12 LEVEL III OFFENSES

RECOMMENDATION FOR EXPULSION MANDATED BY LAW

E.C. 48915(c)

“Expulsion” means removal of a pupil from the supervision and control of school personnel.

These are serious offenses and notification of appropriate law enforcement agency is required.

(See pages 43-49 regarding extra-curricular activities eligibility)

1. **POSSESSING, SELLING, OR OTHERWISE FURNISHING A FIREARM**, unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. (E.C. 48915, subdivision (c) (1))
1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.
2. **BRANDISHING A KNIFE AT ANOTHER PERSON** (E.C. 48915 sub-section (c) (2))
1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

Note: Brandishing means to display or wield in a threatening manner.
3. **UNLAWFULLY SELLING A CONTROLLED SUBSTANCE** listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code. (E.C. 48915 sub-section (c) (3))
1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.
4. **COMMITTED OR ATTEMPTED TO COMMIT A SEXUAL ASSAULT** as defined in Sections 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. (E.C 48915 sub-section (c) (4) and E.C. 48900, sub-section n)
1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.
5. **POSSESSION OF AN EXPLOSIVE** (E.C. 48915 sub-section (c) (5))
1st Offense: 5-day suspension, recommendation for expulsion, and notification of appropriate law enforcement agency.

CLASSROOM CITIZENSHIP EXPECTATIONS AND CONSEQUENCES

OVERVIEW

It is one of the school's duties to assist parents in helping students develop responsible attitudes and behavior. This means preparing students for adult citizenship as well as preparing them for jobs and higher education. For this reason it is as important for the school to teach and evaluate citizenship as it is to teach and evaluate academic work.

THE CITIZENSHIP MARK

Students will receive a quarterly citizenship mark from each of their classroom teachers. The mark will be based solely on the citizenship displayed in each teacher's classroom. Students will receive a mark of "outstanding," "satisfactory," or "unsatisfactory" based on the "Citizenship Guidelines."

The citizenship mark for each class will be shown on the student's report card. Citizenship marks will not be shown on the student's transcript or other permanent records.

CITIZENSHIP GUIDELINES FOR STUDENTS AND PARENTS

The following criteria shall be used in determining a student's citizenship mark in his/her class:

1. Attends class daily. Three or more unexcused absences will result in an unsatisfactory citizenship mark.
2. Comes to class on time. Five or more unexcused tardies in a quarter will result in an unsatisfactory citizenship mark.
3. Comes to class with necessary materials.
4. Turns in assignments/homework/projects on time.
5. Does his/her own work when independent work is required; does not cheat.
6. Exercises reasonable care of school property.
7. Shows respect for others.
8. Does not disrupt class; exercises good conduct.

Teachers are required, based on the above "Citizenship Guidelines," to establish written classroom rules regarding students' expected classroom behavior. These written expectations, "Citizenship Mark Guidelines," will be provided to students at the beginning of the year or when new students transfer into the class.

Teachers are also required to discuss these standards with their students and explain their expectations at the beginning of each semester.

If a student's citizenship mark is unsatisfactory at the time progress reports are issued, the fact WILL be noted on the progress report. However, if a student's citizenship becomes unsatisfactory after that point, teachers may issue such a mark without a progress report.

APPEAL OF CITIZENSHIP MARK

Students and parents have the right to appeal citizenship marks which they feel are in error or unjustified.

1. The parent/guardian and/or student shall first contact the teacher to gain clarification as to the reason the unsatisfactory citizenship mark was given.
2. If the parent/guardian and teacher do not resolve the concern and the parent/guardian still feels the citizenship mark is in error, then the parent/guardian may appeal the citizenship mark to a site committee made up of one administrator and at least two teachers. A meeting with the committee must be requested within two weeks after the citizenship marks are released to students. (The committee will meet and make a decision within one week of the parent appeal request.)
3. The parent/guardian may appeal the decision of the committee to the school principal.
4. The parent/guardian may appeal the decision of the principal to the Superintendent's designee, the Director of Educational Services 7-12.
5. The parent/guardian may request in writing that the Board of Education hear the appeal of the decision of the Senior Director, School Leadership.
6. A student who has lost privileges remains in the status pending resolution of the appeal.

Note: Because students who receive two or more unsatisfactory citizenship marks are ineligible to participate in extra-curricular activities, it is extremely important that any appeal to the next level be made IMMEDIATELY (within two days) following a decision at a lower level.

LOSS OF PRIVILEGES/EXTRA-CURRICULAR/CO-CURRICULAR ACTIVITIES

It is the goal of the District to work with parents to assist students in becoming self-directed and responsible for their own behavior.

When students do not meet the clearly defined and communicated expectations outlined in this Conduct Code, the student will not be allowed to participate in extra-curricular activities. Extra-curricular activities include activities that are not associated with a class and activities in which students do not receive a grade.

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Co-curricular activities are related to a class in which the student earns an academic grade. Extra-curricular activities are limited to:

1. After school recreation (7-8)
2. Student clubs (9-12)
3. Special field trips not a part of regular classroom work (7-12)*
4. School dances (7-8)
5. School assemblies (7-8)
6. Extra-curricular public performances of music, dance, drama, and speech (the loss of these privileges shall not apply to class activities to publicize and/or promote school activities and feeder schools which are conducted during the school day) (7-12)

*** NOTE: THE PRINCIPAL/DESIGNEE MAY MAKE EXCEPTIONS REGARDING ACADEMIC AND ATTENDANCE INELIGIBILITY ONLY, FOR SPECIAL FIELD TRIPS NOT A PART OF REGULAR CLASSROOM WORK (7-12). HOWEVER, SUCH FIELD TRIPS MUST BE DIRECTLY RELATED TO THE EDUCATIONAL PROGRAM.**

**** NOTE: *An Extra-Curricular/Co-Curricular Activity Ineligibility Criteria Chart is included at the end of this section. The chart specifies the activity and the criteria the District shall use for determining ineligibility for participating in said activity.***

EXTRA-CURRICULAR ACTIVITY ELIGIBILITY

1. ACADEMIC

In order for a pupil to participate in the extra-curricular activities listed above, as well as athletics (9-12); spirit leaders/cheerleaders (9-12); student government (7-12), the pupil shall achieve a grade point average of 2.0 with no more than one "F."

Grades 7-8

The eligibility grading periods shall be the first quarter, first semester, third quarter and second semester.

The grading periods shall be considered consecutive and uninterrupted. Therefore, the second semester grade of the 7th grade shall be the basis for determining the first quarter eligibility for the 8th grade year.

Three weeks after grades are released to students, any junior high student has five (5) school days to petition the principal/designee to be placed on academic probation and regain privileges. A student must maintain a "C" grade and satisfactory citizenship in each class to remain on probation.

Grades 9-12

Academic, attendance, substance abuse, behavior, and classroom citizenship eligibility consequences shall not carry over from junior high to high school. **Ineligibility due to Modesto City Schools textbook or library book debts shall carry over from junior high to high school and will be effective beginning 2nd quarter.**

The eligibility grading periods shall be the first quarter, first semester, third quarter and second semester.

The grading periods shall be considered consecutive and uninterrupted. **Therefore, the second semester grade of the previous year shall be the basis for determining the first quarter eligibility for the following year. EXCEPTION: Initial high school eligibility will be waived for all incoming ninth grade students not meeting the district academic eligibility criteria. This shall be a one-time waiver for the first quarter of the fall semester only.**

7-12 Summer School Grades--Effect on Eligibility

Summer school grades shall be included to determine eligibility.

In calculating eligibility, a summer school grade will replace the grade of a "like" course taken previously.

Grades/units earned in summer school classes which do not replace grades earned previously in "like" courses will be averaged with grades from the previous grading period.

Summer school grades shall not impair a student's academic eligibility achieved in the previous grading period.

Athletic Probation

MCS Athletic Probationary Policy

Student-athletes who are academically ineligible are allowed one appeal during grades 9 and 10, and one time during grades 11 and 12, if they meet the MCS requirements for an appeal.

Academic Appeal Requirements

1. Student-athletes with a 1.8 GPA or above and/or have no more than 2 “Fs” are eligible to appeal. Student-athletes below a 1.8 GPA are not allowed to appeal. Student-athletes with more than two “F”s are not allowed to appeal.
2. A student-athlete is not allowed to appeal if he/she was ineligible the prior grading period. Example: A student-athlete who is ineligible for his/her first quarter grades is not eligible to appeal the next grading period (first semester grades).
3. A student-athlete is not allowed to appeal to participate on a team that limits the number of students that may participate, unless there is an available spot.
4. A student-athlete that is not eligible due to disciplinary consequences, may not be considered for an academic appeal.
5. A student-athlete who is currently ineligible will remain so until the next grading period when grades are officially posted. The Student-Athlete must meet school eligibility requirements at that time to be eligible for athletic participation.
6. Athletes who meet the Academic Appeal Requirements will be placed on team probation. The athlete will be allowed to stay with the team and participate in practices only. Students on probation may not travel with the team to games and may not dress with the team, nor sit on the bench or stand on the sideline with the team.
7. At the end of the quarter, those athletes who have regained their eligibility may fully participate with the team on the official district eligibility date.
8. Teams competing with athletes ineligible for any reason shall forfeit all contests in which the ineligible athlete(s) participated.

2. ATTENDANCE

Truancy

Absences will be considered unexcused and may affect extra-curricular eligibility if not cleared within seven (7) school days after the student returns from the absence.

A student may not participate in extra-curricular activities as listed on page 44 for nine (9) weeks if the student reaches Step 4 of the truancy policy (described on page 22).

If the student reaches Step 5, the student is ineligible to participate for nine (9) additional weeks from the date the student reached Step 5 of the truancy policy (described on page 22).

If a student reaches Step 6 of the truancy policy (described on page 22), the student is ineligible to participate in extra-curricular activities as listed on page 44 for the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.

A student reaching Step 6 of the truancy policy is also ineligible for 8th grade/senior trips; 8th grade graduation dance/high school prom; 8th grade/senior graduation ceremonies; athletics (9-12); spirit leaders/cheerleaders (9-12); student government (7-12).

Excessive Absenteeism

Students who are absent 15 days in one school year may be placed on Attendance Supervision which imposes the requirement that future absences be verified by a licensed medical practitioner.

If a student on Attendance Supervision accumulates five (5) unexcused absences (absences without medical verification), the student will be ineligible to participate in extra-curricular activities as listed on page 44 the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.

3. SUBSTANCE ABUSE

A. A student who is suspended for:

1. Possession of not more than one ounce of marijuana, or possession, use, or being under the influence of an alcoholic beverage, or intoxicant; or
2. For possession of drug paraphernalia is ineligible to participate in extra-curricular activities according to the following guidelines:
1st Offense: Student is ineligible to participate in all extra-curricular activities listed on page 44 as well as 8th grade/senior trips; 8th grade graduation dance, winter formal, high school prom; 8th grade/senior graduation ceremonies; athletics (9-12); spirit leaders/cheerleaders (9-12); student government (7-12) for 18 school weeks from the

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time of the suspension, unless the student completes a District-approved intervention program. Completion of the program will reduce the period of ineligibility to nine (9) school weeks.

2nd Offense: Student is ineligible for the length of the expulsion. If the student receives a suspended expulsion, the student is ineligible to participate in all extra-curricular activities listed on page 44 as well as 8th grade/senior trips; 8th grade graduation dance, winter formal, high school prom; 8th grade/senior graduation ceremonies; athletics (9-12); spirit leaders/cheerleaders (9-12); student government (7-12) for 18 school weeks from the time of the first day of suspension unless the student completes a District-approved intervention program. Completion of the program will reduce the period of ineligibility to nine (9) school weeks.

B. A student who possesses a controlled substance (except for the first offense of possession of not more than one ounce of marijuana other than concentrated cannabis) or who sells, furnishes, or unlawfully offers, arranges, or negotiates to sell an alcoholic beverage, controlled substance, drug-paraphernalia, or an in-lieu substance (look-a-like purported to be a controlled substance) is ineligible to participate in extra-curricular activities according to the following guidelines:

1st Offense: Student is ineligible for the length of the expulsion. If the student receives a suspended expulsion, the student is ineligible to participate in all extra-curricular activities listed on page 44 as well as 8th grade/senior trips; 8th grade graduation dance, winter formal, high school prom; 8th grade/senior graduation ceremonies; athletics (9-12); spirit leaders/cheerleaders (9-12); student government (7-12) for 18 school weeks from the date of suspension unless the student completes a District-approved intervention program. Completion of the program will reduce the period of the ineligibility to nine (9) school weeks.

4. BEHAVIOR

Students who are home suspended for four (4) days and/or home suspended twice within a quarter are to be declared “ineligible” and may not participate in extra-curricular activities as listed on page 44 as well as 8th grade/senior trips; 8th grade graduation dance, winter formal, high school prom; 8th grade/senior graduation ceremonies; athletics (9-12); spirit leaders/cheerleaders (9-12); student government (7-12) for nine (9) school weeks commencing from the time of the suspension.

If an additional suspension occurs during the nine (9) school week period, the period of ineligibility is to be extended for nine (9) school weeks effective the date of the subsequent suspension, but will not extend beyond the current school year.

Students who are on involuntary transfer to alternative education will be ineligible to participate in extra-curricular activities as listed on page 44, including the winter formal and senior prom, athletics (9-12), spirit leaders/cheerleaders (9-12), student government (7-12) for the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.

5. CLASSROOM CITIZENSHIP (Consequences for citizenship marks do not carry from junior high to high school.)

Students who receive two or more “unsatisfactory” citizenship marks from teachers may not participate in extra-curricular activities as listed on page 44 until the next regular reporting period (the following quarter).

For grades 7-8, if a student received two or more “unsatisfactory” citizenship marks, the student may petition the principal to be placed on behavioral probation three (3) weeks after grades are released to students if the student has improved citizenship marks. Once the student is placed on behavioral probation, the student will be eligible to take part in extra-curricular activities as listed on page 44 if the student maintains a “C” grade and satisfactory citizenship in each of the student’s classes. The reporting periods shall be considered consecutive and uninterrupted. Therefore, the fourth quarter citizenship marks of the previous year shall be the basis for determining first quarter eligibility for the following year. The effective date to determine eligibility shall be the day report cards are released to student.

Students who receive two or more unsatisfactory marks in the third quarter shall also be ineligible for 8th grade/senior trips; 8th grade graduation dance/high school prom; and 8th grade/senior graduation ceremonies.

Note: If the high school prom occurs before third quarter marks become final, the second quarter citizenship marks determine eligibility.

8th GRADE STUDENTS/THIRD QUARTER CITIZENSHIP MARKS

An 8th grade student who receives two unsatisfactory citizenship marks the third quarter may regain the privilege of participating in the 8th grade trip, 8th grade graduation dance, and 8th grade graduation ceremony

if teacher verification of improved citizenship is substantiated by the school administration.

6. DEBTS OWED FOR LOSS OR DAMAGE TO SCHOOL DISTRICT PROPERTY

Students with outstanding Modesto City School debts (K-12) will not be allowed to participate in extra-curricular activities as listed on page 44 as well as 8th grade/senior trips; 8th grade graduation dance/high school prom; 8th grade/senior graduation ceremonies; athletics (9-12), spirit leaders/cheerleaders (9-12); student government (7-12) until the debt is paid or until the student establishes a program of voluntary work as provided by the Education Code 48904 in lieu of payment.

Notification to the parent/guardian regarding the debt will be made in writing. The effective date to determine eligibility shall be three (3) days after the issuance of the notification letter.

Loss of privileges includes participation in the graduation ceremony (grades 7-12) if the parent/guardian is notified of the debt at least three (3) days prior to the ceremony.

Note: Attendance, substance abuse, behavior, and classroom citizenship eligibility consequences shall not carry over from junior high to high school.

However, any student who owes for outstanding school debts will remain ineligible to participate in extra-curricular activities, grades 7-12, athletics (9-12), spirit leaders/cheerleaders (9-12), student government (7-12), until the debt is paid or until the student establishes a program of voluntary work as provided in Education Code 48904 in lieu of payment. **EXCEPTION:** Initial high school eligibility will be waived for all incoming ninth grade students not meeting the district academic eligibility criteria. This shall be a one-time waiver for the first quarter of the fall semester only.

ALL 7-12 STUDENTS

The District reserves the right to exclude a student from the graduation ceremony or other activities for a flagrant infraction to the Conduct Code irrespective of the student's citizenship status.

HIGH SCHOOL GRADUATION CEREMONIES

The following Board Policy excerpts apply to all high schools, including alternative education:

1. Participation in Graduation Ceremonies

- a. Students enrolled at a comprehensive high school may participate in graduation ceremonies at the comprehensive high school upon completion of all graduation requirements by the end of the senior year. This provision applies to mid-year graduates.
- b. Students who complete graduation requirements after their class has already graduated may participate in the alternative education graduation ceremony, but not in a ceremony at the comprehensive high school.
- c. Students who have passed the course of study requirements in a full-time independent study program through the Elliott Alternative Education Center may participate in the alternative education graduation ceremony. Students who complete the course of study requirements in a full-time independent study program through a comprehensive site may participate in that comprehensive site's graduation ceremony.
- d. Special Education students enrolled in the Special Education Applied or Functional skills curriculum and who receive "Certificates of Completion" may participate in the graduation ceremonies.
- e. Students who have passed the California High School Proficiency Examination (CHSPE) and/or the General Education Development Test (GED) may not participate in graduation ceremonies unless they have met all District graduation requirements.

2. The principal and staff will inform senior class students of the graduation standards and ceremony requirements prior to the second semester or when new senior students enroll at the school.

3. Appropriate graduation ceremonies will be provided to honor graduating seniors at each District senior high school. As part of the ceremonies, each graduating senior will be recognized by having his or her name read and each will receive a District diploma of graduation/certificate of completion or cover (with the diploma/certificate of completion provided after the ceremony).

4. In order to participate in the graduation ceremonies, each participant and his/her parent or guardian must sign a contract which must be on file at the school agreeing to abide by the specified code of dress and behavior for the ceremony. Adult students enrolled in alternative education are excluded from this provision.

5. Before being admitted to the ceremonies, each participant will be visually checked for appropriate dress and inappropriate items. A visual check may include a school official requesting the student to open his or her graduation gown.

6. The school principal/designee shall remove or cause to be removed from the ceremonies and/or premises students or others who are in violation of an appropriate law or in violation of a rule relating to graduation exercises. Graduating seniors so removed may pick up their diplomas at a later date.

7-12 EXTRA-CURRICULAR/CO-CURRICULAR

CO-CURRICULAR ACTIVITIES LEADERSHIP/ATHLETICS/ CHEER	EXTRA-CURRICULAR ACTIVITIES (Recreation 7-8, Clubs 9-12, Field Trips 9-12, Dances 7-8, Assemblies 7-8)	WINTER FORMAL
GPA Below 2.0	GPA Below 2.0	
More than one "F"	More than one "F"	
	More than one "U" Citizenship	
Substance Abuse 18 weeks/ 9 weeks with diversion	Substance Abuse 18 weeks/ 9 weeks with diversion	Substance Abuse 18 weeks/ 9 weeks with diversion
Outstanding Debt	Outstanding Debt	
Home Suspension 4 or more days (9 weeks)	Home Suspension 4 or more days (9 weeks)	Home Suspension 4 or more days (9 weeks)
Home Suspension twice in a quarter (9 weeks)	Home Suspension twice in a quarter (9 weeks)	Home Suspension twice in a quarter (9 weeks)
Involuntary Transfer to Alternative Education	Involuntary Transfer to Alternative Education	Involuntary Transfer to Alternative Education
	Step 4 Truancy (9 weeks)	
	Step 5 Truancy (additional 9 weeks)	
Step 6 Truancy	Step 6 Truancy	
	Attendance Supervision w/ 5 unexcused absences	

ACTIVITY INELIGIBILITY CRITERIA

PROM/ 8th GRADE DANCE	SENIOR TRIP/ 8th GRADE TRIP	GRADUATION CEREMONY
More than one "U" Citizenship 8th Grade may regain the privilege with teacher approval (3rd Quarter)	More than one "U" Citizenship 8th Grade may regain the privilege with teacher approval (3rd Quarter)	More than one "U" Citizenship 8th Grade may regain the privilege with teacher approval (3rd Quarter)
Substance Abuse 18 weeks/ 9 weeks with diversion	Substance Abuse 18 weeks/ 9 weeks with diversion	Substance Abuse 18 weeks/ 9 weeks with diversion
Outstanding Debt	Outstanding Debt	Outstanding Debt
Home Suspension 4 or more days (9 weeks)	Home Suspension 4 or more days (9 weeks)	Home Suspension 4 or more days (9 weeks)
Home Suspension twice in a quarter (9 weeks)	Home Suspension twice in a quarter (9 weeks)	Home Suspension twice in a quarter (9 weeks)
Involuntary Transfer to Alternative Education	Involuntary Transfer to Alternative Education	Involuntary Transfer to Alternative Education
Step 6 Truancy	Step 6 Truancy	Step 6 Truancy

The District reserves the right to exclude a student from the graduation ceremony or other activities for a flagrant infraction to the Conduct Code irrespective of the student's citizenship status.

RIGHT OF APPEAL AND DUE PROCESS

SUSPENSION

1. Suspension by the principal/designee, or the superintendent, shall be preceded by an informal conference which is conducted by the principal or his/her designee between the pupil, and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal. At the conference the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his/her defense. (E.C. 48911, sub-section b)
2. A principal/designee, or the superintendent, may suspend a pupil without affording the pupil an opportunity for a conference only if the principal or his/her designee determines that an "emergency situation" exists. If a pupil is suspended without a conference prior to a suspension, both the parent and pupil shall be notified of the pupil's right to such a conference and the pupil's right to return to school for such purpose. The conference shall be held within two (2) school days, unless the pupil waives his right or 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 pupil is physically able to return to school for the conference. (E.C. 48911, sub-section c)
3. At the time of suspension, a school employee shall make a reasonable effort to contact the parent or guardian of the pupil in person or by telephone. (E.C. 48911, sub-section d)
4. Whenever a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension. (E.C. 48911, sub-section d)
5. The parent or guardian of any pupil shall respond without delay to any request from school officials to attend a conference regarding his/her child's behavior. (E.C. 48911, sub-section f)
6. The pupil or pupil's parent or guardian has the right to appeal the suspension to the building principal whose decision will be final. A meeting must be requested within five (5) school days following the first day of suspension.
7. Students remain on suspension through the appeal process. If the suspension is overturned by the principal, all information related to the suspension will be deleted from the pupil's record.

EXPULSION

1. In a case where expulsion is being processed by the Governing Board, the superintendent/designee may extend the suspension until such time as the Governing Board has rendered a decision, provided that the superintendent/designee has determined that the presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. (E.C. 48911, sub-section g)
2. The pupil and the pupil's parent or guardian shall be entitled to a hearing to determine whether the pupil should be expelled. An expulsion hearing shall be held within 30 school days of the date the principal or superintendent determines that the pupil committed any of the acts enumerated in Section 48900 unless the pupil requests in writing that the hearing be postponed. The pupil shall be entitled to at least one postponement for a period of not more than 30 calendar days of an expulsion hearing. In the event that compliance by the Governing Board with the above time requirements is impracticable, the expulsion hearing may be delayed, for good cause, up to five (5) additional days. Reasons for the extension shall be a part of the record at the time of the hearing. (E.C. 48918, sub-section a)
3. Written notice of the hearing shall be forwarded to the pupil at least 10 calendar days prior to the date of the hearing. (E.C. 48918, sub-section b)
4. An Administrative Panel shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public unless the pupil or the pupil's parent or guardian requests, in writing at least five (5) days prior to the date of the hearing, that the hearing be a public meeting. (E.C. 48918, sub-sections c, d)
5. Within three (3) school days following the hearing, the Administrative Panel shall determine whether to recommend expulsion of the pupil to the Governing Board. (E.C. 48918, sub-section e)
6. The expulsion order and the causes therefore shall be recorded in the pupil's mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon receipt of a request from the admitting school for the pupil's school records. (E.C. 48918, sub-section j)
7. A decision of the Governing Board whether to expel a pupil shall be made within 10 school days following the conclusion of the hearing, unless the pupil requests in writing that the decision be postponed. If the hearing is held by an Administrative Panel, or if the district Governing Board does not meet on a weekly

basis, the Governing Board shall make its decision about a pupil's expulsion within 40 school days after the date of the pupil's removal from his/her school of attendance for the incident for which the recommendation for expulsion is made by the principal or the superintendent, unless the pupil requests in writing that the decision be postponed.

8. Written notice of any decision of the Governing Board to expel or to suspend the enforcement of the expulsion order during a period of probation shall be sent by mail, using "proof of service" method to the student or parent or guardian. The notice shall include notification of the right to appeal the expulsion to the County Board of Education. (E.C. 48918, sub-section i)

9. Students who have been expelled shall not participate in extra-curricular activities, including the 8th grade/senior trips, 8th grade graduation dance, winter formal, high school prom, and the graduation ceremony (grades 8 & 12) for the length of the expulsion. Students who are on a suspended expulsion shall not participate in extra-curricular activities for the length of time defined on pages 43-49 of this publication.

10. Students who are on a suspended expulsion to another site will be ineligible to participate in extra-curricular activities at the original site including the 8th grade/senior trips, 8th grade graduation dance, high school prom, winter formal, and the graduation ceremony (grades 8 & 12).

11. At the time an expulsion of a pupil is ordered for an act other than those described in subdivision (c) of Section 48915, the Governing Board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the District. The Senior Director, Child Welfare and Attendance/Designee will determine if the conditions for readmittance in the expulsion order have been met.

12. For a pupil who has been expelled pursuant to subdivision (c) of Section 48915, the Governing Board shall set a date of one year from the date the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the District, except that the Governing Board may set an earlier date for readmission on a case-by-case basis. The Senior Director, Child Welfare and Attendance/Designee will determine if the conditions for readmittance in the expulsion order have been met. Subdivision (c) of Section 48915 offenses include:

- Possessing, selling, or otherwise furnishing a firearm.
- Brandishing a knife at another person.
- Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- Possession of explosives (except snappers, poppers, firecrackers, and fireworks).

INVOLUNTARY TRANSFER TO OPPORTUNITY SCHOOL

California Department of Education Guidelines

Opportunity Education schools, classes, and programs are established to provide additional support for students who are habitually truant from instruction, irregular in attendance, insubordinate, disorderly while in attendance, or failing academically.

A decision to transfer a pupil involuntarily shall be based on findings that the pupil (a) committed an act enumerated in E.C. 48900, or (b) has been habitually truant or irregular in attendance from instruction upon which he or she is lawfully required to attend.

The student and the student's parent or guardian will be notified in writing of the intended assignment to the Opportunity School program. The parent or guardian has the right to request a meeting with the school officials. The purpose of this meeting will be to discuss the specific reason(s) for the transfer being recommended. Following the third-party review of the referral document, a final decision for the transfer will be made. The student and parent or guardian has the right to appeal the third-party decision to the Senior Director, Child Welfare and Attendance.

At the request of the student's parent or guardian, the involuntary transfer shall be reviewed at the end of each semester/trimester of attendance at the alternative education site. Students who are on involuntary transfer to alternative education will be ineligible to participate in extra-curricular activities listed on page 44, including winter formal and senior prom, for the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.

INVOLUNTARY TRANSFER TO CONTINUATION SCHOOL (E.C. 48432.5)

A decision to transfer the pupil involuntarily shall be based on finding that the pupil (a) committed an act enumerated in E.C. 48900, or (b) has been habitually truant or irregular in attendance from instruction upon which he or she is lawfully required to attend.

Involuntary transfer to a continuation school shall be imposed only when other means fail to bring about pupil

Conduct Code - Right of Appeal

improvement; provided that a pupil may be involuntarily transferred the first time he or she commits an act enumerated in Section 48900 if the principal determines that the pupil's presence causes a danger to persons or property, or threatens to disrupt the instructional process.

A written notice must be provided to the student and the student's parent or guardian informing them of the opportunity to request a meeting with a designee of the district superintendent.

None of the persons involved in the final decision to make an involuntary transfer of a pupil to a continuation school shall be a member of the staff of the school in which the pupil is enrolled at the time that the decision is made.

Students who are on involuntary transfer to alternative education will be ineligible to participate in extra-curricular activities as listed on page 44, including the winter formal and senior prom, for the remainder of the school year at the regular campus unless the student returns to the regular campus after successfully completing an alternative education program.

At the request of the student's parent or guardian, the involuntary transfer shall be reviewed following the second semester of attendance at the alternative education site.

SUSPENSION FROM CLASS

A teacher may suspend any pupil from the teacher's class for any violation of E.C. 48900, for the day of the suspension and the day following.

The teacher shall send the pupil to the principal/designee for appropriate action. If that action requires the continued presence of the pupil at the school site, the pupil shall be under appropriate supervision.

As soon as possible, the teacher shall ask the parent/guardian of the pupil to attend a parent/teacher conference regarding the suspension. If an in-person conference cannot be arranged, a telephone conference may be substituted. A school administrator shall attend the conference if the teacher or parent/guardian so request.

The pupil shall not be returned to the class during the period of suspension without the concurrence of the teacher and the principal. A pupil suspended from a class shall not be placed in another regular class during the period of suspension.

DETENTION OF STUDENTS AFTER SCHOOL

Students may be detained after school for up to 15 minutes without prior notice to the parents.

Detention from 16 to 30 minutes requires a reasonable effort to give prior notice to the parent. Detention longer than 30 minutes requires prior notice to the parent. Prior notice includes telephone calls.

Regardless of the length of detention, prior notice to parents must occur in cases where detention will cause a student to miss the school bus.

MODESTO CITY SCHOOLS

Board Policy

BP 5145.7

STUDENTS

Sexual Harassment

The Board of Education's intent is to maintain an academic and work environment which protects the dignity and promotes the mutual respect of all pupils. The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who has experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation (AR 5145.7).

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)(N/A)

(cf. 5137 - Positive School Climate)(N/A)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

Complaint Process and Disciplinary Actions

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3

Sexual Harassment Policy

and where to obtain a copy of the procedures. (cf. 1312.3 - Uniform Complaint Procedures)

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account. (cf. 5144 - Discipline)(N/A) (cf. 5144.1 - Suspension and Expulsion/Due Process)(N/A) (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))(N/A)

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement. (cf. 4117.7/4317.7 - Employment Status Report)(N/A) (cf. 4118 - Dismissal/Suspension/Disciplinary Action)(N/A) (cf. 4218 - Dismissal/Suspension/Disciplinary Action)(N/A) (cf. 4119.11 4219.1113/4319.11 Sexual Harassment)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools. (cf. 3580 - District Records)(N/A)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

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

99.1-99.67 Family Educational Rights and Privacy

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

COURT DECISIONS

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

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

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

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

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

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

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

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

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

Sexual Harassment Policy

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

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

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

WEB SITES

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

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

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

ADOPTED: July 19, 1993

REVISED: April 25, 1994

April 21, 1997

June 17, 2019

Dress Code Standards

MODESTO CITY SCHOOLS

Administrative Regulation

AR 5135

STUDENTS

Dress and Grooming

The Modesto City Schools dress code sets standards that promote a positive and safe learning environment for students. Annual notice of this regulation shall be provided to students, parents and staff. Each Site Safety Committee shall regularly review these standards. Appropriate dress for school dances, graduation activities and other special events will be communicated to parents and students by the school.

The following guidelines shall apply to all regular school activities:

Standards

1. Students shall dress appropriately for educational activities in which they will participate so as not to endanger their health, safety, or welfare, or that of others, or cause a disruption to the educational process. Clothes shall be sufficient to conceal undergarments when sitting or standing, or bending. The following articles of clothing are not permitted:
 - Shorts, skirts, pants, and tops that fail to conceal undergarments, back, abdomen, and cleavage.
 - Back-less or strap-less tops
 - Low-cut tops and dresses
 - Bare-midriff tops
 - Chains of any sort, wallet or utility-type chains
 - See-through or fishnet fabrics that fail to conceal undergarments
2. All attire must fit appropriately and must not be too small or too large. Skirts shorter than mid-thigh are prohibited.
3. Shoes shall be worn at all times. Steel-toed boots and bedroom slippers are prohibited.
4. Athletic/club spirit shirts must have administrative approval and follow dress code standards before printing. Shirts that have a double meaning will be prohibited.
5. Clothing, accessories, and jewelry shall be free of writing, pictures, symbols or any other insignia which are crude, vulgar, profane, obscene, libelous, slanderous, or sexually suggestive. Clothing, accessories, or jewelry that degrade any cultural, religious or ethnic values, that advocate racial, ethnic, or religious prejudice or discrimination, or that promote sex, the use of tobacco, drugs, alcohol or violence or any unlawful acts (including gang activity) are prohibited.
6. Dark glasses shall not be worn indoors, except for valid medical reasons authorized by the administration and verified in writing by a physician.
7. Gang-related clothing or accessories, including but not limited to bandannas, or other symbols, emblems, or insignia are prohibited. Gang-related web belts with or without punched out metal buckles are prohibited. School officials shall consider student history and information obtained from community agencies and resources when making these judgments. Dangerous clothing accessories are prohibited (i.e., spiked jewelry, studded collars, studded belts).
8. School Administrators have the right to restrict the color of clothing worn by any student involved in a documented gang offense.
9. Repeated violation of the District or school dress code(s) shall be considered a violation of Education Code section 48900(k): Disruption of school activities and/or willful defiance of valid school personnel authority. Appropriate consequences shall be specified and implemented according to the K-6 and 7-12 discipline policies. **Final determination of what constitutes appropriate dress shall be made by the principal/designee.**
10. Head Covering

K-12 Hats, caps and other head coverings are prohibited during regular school hours except as specifically authorized by a school official for such school activities as athletics and theatrical performances or other approved personal reasons such as health needs. Hooded sweatshirts when used to conceal identity are not permitted.

- **K-6**--During inclement weather, K-6 students may wear protective head coverings outdoors, other than bill caps such as: sweatshirt/jacket hoods, knit caps, scarves, earmuffs, etc.
- **7-12**--During inclement weather, 7-12 students may wear school-specific knit caps outdoors.

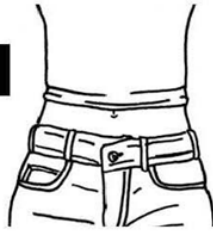
Note: According to Education Code 35183.5, sun-protective hats may be worn for health needs. The following specifications are recommended by the American Cancer Society:

“The hat must include a 2-3 inch all around brim to protect areas often exposed to the sun, such as the neck, ears, eyes, forehead, nose, and scalp.”

DRESS CODE STANDARDS

Inappropriate Dress at Modesto City Schools


BARE-MIDRIFF
TOPS



VISIBLE UNDERWEAR
SAGGING PANTS



EXCESSIVELY SHORT
SKIRTS/SHORTS



School should be a positive and safe learning environment. Your clothes should reflect this!

Use good judgment when choosing your outfits and follow our dress standards.



HATS



LOW-CUT
TOPS/DRESSES

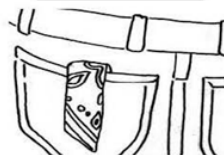


CLOTHING PROMOTING
DRUGS/ALCOHOL



SEE-THROUGH GARMENTS/
EXPOSED UNDERGARMENTS

GANG-RELATED
CLOTHING/
ACCESSORIES



These are examples of inappropriate school dress.

Dress and Grooming

The Board of Education has determined that certain gangs (also known as criminal gangs or street gangs) are operating in and around Modesto. In light of this fact, the Board of Education has also determined that the wearing of gang-related clothing on school premises or during school-sponsored activities threatens the health and safety of the students and impairs the school environment accordingly.

Students may not wear, possess, use, distribute, or display any clothing, color, jewelry, emblem, badge, symbol, colored bandana, or sash which represents or evidences membership or affiliation with any gang or promotes gang-related activity.

Clothing or grooming which has been deemed, through collaboration between Modesto City School District and local law enforcement or other experts, to be gang-related is prohibited. The specific items of clothing prohibited are: Red or blue cloth belts with or without punched out buckles; red or blue shoe laces; any sports related apparel that is known to reference gang association (UNLV, University of Nebraska, red New York Yankees apparel, red Oakland Raiders apparel, red San Francisco Giants apparel), Mongolian haircuts (mostly shaved head with hair only at top or back of head and/or top knot), other hair styles depicting 3 braids/hair bunches with blue binders or 4 braids/hair bunches with red binders; notched eyebrows indicating 13 or 14, clothing

Dress Code Standards & Gang Information

including any gang symbols or initials including, but not limited to; N, S, SUR (Sureño), Norte (Norteño), Sureño, Norteño, any reference to South Side, West Side, East Side, or North Side, area codes (209, 510, 415, etc.); hair nets, bandanas, doo-rags, or shower caps; gang-associated jackets and clothing; t-shirts with creased sleeves, or creased down the center; and split pant cuffs. Hats and other sun-protective clothing may be worn by students outdoors during inclement weather. However, specific clothing or hats determined to be gang-related or otherwise inappropriate under Board Policy and this regulation are prohibited.

Each school site may provide parents with a site-specific hat policy which may be more restrictive than the items listed within this regulation, and prohibited headgear will be specified. These restrictions are subject to periodic review. **Upon consultation with local law enforcement agencies, or other experts, additional rules which restrict gang-associated dress may be instituted by the school principal with notification to students and parents. The school principal may institute additional rules which restrict gang-associated dress without prior notice provided compelling circumstances require such action to be taken and notification is subsequently sent to students and parents within a reasonable time period.**

Gang Activities

The Board of Education believes that the presence of gangs and gang activities has caused and continues to cause a substantial disruption of, or material interference with, school and school activities.

A “gang” means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in, or have engaged in, a pattern of criminal gang activity.

The “pattern of gang activity” means the commission, attempt to commit, conspiring to commit, or solicitation of a criminal act, provided two or more criminal acts were committed on separate dates or by two or more persons who are members of, or belong to, the same gang.

Students may be suspended, expelled, or excluded for any violation of the rules listed below. By this policy, the Board of Education acts to prohibit the existence of gangs and gang activities as follows:

No student on or about school property or at any school activity:

1. Shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership in or affiliation with any gang.
2. Shall commit any act or omission or use any speech, either verbal or non- verbal (gestures, handshakes, etc.) showing membership or affiliation in a gang.
3. Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including, but not limited to:
 - a. Soliciting others for membership in any gangs;
 - b. Requesting any person to pay for “protection” or otherwise intimidating or threatening any person;
 - c. Committing any illegal act or violation of school district policies;
 - d. Inciting another student to act with physical violence upon any other person.

Parent Notice of Rights and Responsibilities

PARENT NOTICE OF RIGHTS AND RESPONSIBILITIES

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

- 1. Absence for Religious Exercises and Instruction:** Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. No pupil shall be excused from school for such purpose on more than four days per school month. (Ed. Code, § 46014)
- 2. Comprehensive Sexual Health Education and HIV/AIDS Prevention Education:** A parent or guardian has the right to excuse their child from comprehensive sexual health education, HIV prevention education, and assessments related to that education. A parent or guardian who wishes to exercise this right must state their request in writing. (Ed. Code, § 51938) A parent or guardian may inspect the written and audiovisual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents have a right to request that the District provide them with a copy of the California Healthy Youth Act. (Ed. Code, § 51930 et. seq.) Parents or guardians shall be notified in writing if the District plans to administer an anonymous, voluntary and confidential test, questionnaire, or survey containing age-appropriate questions about the pupils' attitudes concerning or practices related to sex in grades 7 to 12 and given the opportunity to review the test, questionnaire, or survey. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey by stating their request in writing. (Ed. Code, § 51938)
Every child's parent will be notified prior to the commencement of any comprehensive sexual health education and HIV/AIDS prevention education instruction whether the instruction will be taught by District personnel or by outside consultants. If outside consultants or guest speakers are used, the notice shall include the date of the instruction, and the name of the organization or affiliation of each guest speaker will be identified. Parents have a right to request that the District provide them with a copy of Education Code sections 51933, 51934, and 51938. (Ed. Code, § 51938) If arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the Superintendent or designee shall notify parents/guardians no less than 14 days before instruction is given. (Ed. Code, § 51938)
- 3. Excuse from Instruction in Health:** Upon written request of a parent, a pupil may be excused from any part of instruction in health which conflicts with the parent(s)' religious training or beliefs (including personal moral convictions). (Ed. Code, § 51240)
- 4. Administration of Medication:** Medication prescribed by a physician or ordered by a physician assistant for a child may be administered during the school day by a registered nurse or other designated school personnel, or self-administered by the child if the medication is prescription auto-injectable epinephrine or prescription inhaled asthma medication, but only if the parent consents in writing and provides detailed written instructions from a physician, or a physician assistant as specified by law. In order for a child to carry and self-administer prescription auto-injectable epinephrine, the physician or physician assistant must also provide a written statement detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer auto-injectable epinephrine. Parents must also provide a release for the school nurse or designated school personnel to consult with the pupil's health care provider regarding questions that may arise with regard to the medication, and releasing the District and its personnel from civil liability if the self-administering pupil suffers an adverse reaction as a result of self-administering auto-injectable epinephrine. Forms for administering medication may be obtained from the school secretary. (Ed. Code, §§ 49423, 49423.1, 49423.5, 49480)
- 5. Students on Medication:** Parents are to notify the principal if their child is on a continuing medication regimen. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the principal or school nurse may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate. (Ed. Code, § 49480)
- 6. Immunizations:** The District shall exclude from school any pupil who has not been immunized properly, unless the pupil is exempted from the immunization requirement pursuant to Chapter 1 (commencing with section 120325) of part 2 of division 105 of the Health and Safety Code. The immunization exemption based on personal beliefs has been eliminated. (Health & Saf. Code, § 120325) A student who, prior to January 1, 2016, submitted a letter or affidavit on file at the District, stating beliefs opposed to immunization, is permitted to enroll in that institution until the student enrolls in the next grade span. Grade span means: 1) birth to preschool; 2) kindergarten and grades 1 through 6, inclusive, including transitional kindergarten; and 3) grades 7 through 12, inclusive. On or after July 1, 2016, the District shall exclude from school for the first time or deny admittance or deny advancement to any student to the 7th grade unless the student has been immunized for his or her age as required by law. (Health & Saf. Code, § 120335) A student may still be exempted from the immunization requirement based on medical condition or circumstances. A licensed physician or surgeon must transmit a completed medical exemption certification form from the California Department of Public Health directly to the local educational agency and the California Immunization Registry. The standardized medical exemption form shall be the only documentation of a medical exemption that shall be accepted by the District. (Health & Saf. Code, §§ 120370, 120372)

Parent Notice of Rights and Responsibilities

A parent or guardian may consent in writing for a physician, surgeon, or health care practitioner acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil at school. The health care practitioner may administer immunizations for the prevention and control of diseases that present a current or potential outbreak as declared by a federal, state, or local public health officer. (Ed. Code, §§ 48216, 48980(a), 49403; Health & Saf. Code, §§ 120325, 120335) (Ed. Code, §§ 48216, 48980(a), 49403; Health & Saf. Code, §§ 120325, 120335)

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

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

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

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

11. Mental Health Services: The District shall notify pupils and parents or guardians no less than twice each school year of the steps to initiate access to available pupil mental health services on campus and/or in the community. (Ed. Code, § 49428) The mental health services available are listed on the District's website at www.mcs4kids.com/documents/MentalHealthResources.pdf. To initiate services, a parent or student may ask at school or contact a resource directly.

12. Services for Students with Exceptional Needs or a Disability: State and federal law require that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Students classified as individuals with exceptional needs for whom a special education placement is unavailable or inappropriate may receive services in a private nonsectarian school. Please contact the local director of special education for specific information. (Ed. Code, § 56040 et seq.) In addition, services are available for students who have a disability which interferes with their equal access to educational opportunities. (Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. § 104.32) The District 504 Coordinator is responsible for handling requests for services under Section 504 and may be reached at the following address and telephone: 426 Locust Street, Modesto - (209) 574-1623.

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

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

- (a) Due to the pupil's illness.
- (b) Due to quarantine under the direction of a county or city health officer.
- (c) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- (d) For the purpose of attending the funeral services of a member of the pupil's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- (e) For the purpose of jury duty in the manner provided for by law.
- (f) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a doctor's note.
- (g) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- (h) For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.
- (i) For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in section 49701 of the Education Code, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at

Parent Notice of Rights and Responsibilities

the discretion of the superintendent of the school district.

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

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

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

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

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

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

14. Equal Opportunity: Equal opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Education Amendments of 1972) The District's physical education program provides a developmentally appropriate sequence of instruction aligned with the state's model content standards and framework. This program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

Inquiries on all matters regarding students, including complaints, regarding the implementation of Title IX in the District may be referred to Brad Goudeau, Associate Superintendent, Educational Services, at (209) 574-1598, goudeau.b@mcs4kids.com or 426 Locust Street, Modesto. Inquiries on all matters regarding staff, including complaints, regarding the implementation of Title IX in the District may be referred to Mike Henderson, Associate Superintendent, Human Resources, at (209) 574-1519, henderson.m@mcs4kids.com or 426 Locust Street, Modesto.

15. Complaints (Special Education): Parents may file a complaint concerning violations of federal or state law or regulations governing special education related services. Parents may submit a description of the manner in which the parent believes special education programs do not comply with state or federal law or regulations to the SELPA Director at (209) 574-1623 or 426 Locust Street, Modesto, CA 95351.

16. Release of Student Information: The District does not release information or records concerning a child to noneducational organizations or individuals without parent consent except by court order, receipt of a lawfully issued subpoena, or when otherwise allowed by law. The following categories of directory information may be made available to various persons, agencies or institutions unless the parent or guardian notifies the District not to release such information while completing the online Back To School portal: Name, address, telephone, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, diplomas and awards received, and most recent previous educational institution attended. (Ed. Code, §§ 49060 et seq., 49073; 20 U.S.C. § 1232g; 34 C.F.R. § 99.7) In accordance with state and federal law, the District may also make available photographs, videos, and class rosters. Directory information will not be released regarding a pupil identified as a homeless child or youth unless a parent, or pupil accorded parental rights, has provided written consent that directory information may be released. (Ed. Code, § 49073(c); 20 U.S.C. § 1232g; 42 U.S.C. § 11434a(2))

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

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

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

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

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

Parent Notice of Rights and Responsibilities

the student's record. The right to challenge becomes the sole right of the student when the student becomes 18 years of age.

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

- (i) Inaccurate.
- (ii) An unsubstantiated personal conclusion or inference.
- (iii) A conclusion or inference outside of the observer's area of competence.
- (iv) Not based on the personal observation of a named person with the time and place of the observation noted.
- (v) Misleading.
- (vi) In violation of the privacy or other rights of the pupil.

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

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

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

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

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

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

(g) Parents and guardians will be charged \$0.20 cents per page for the reproduction of student records.

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

(i) Parents may obtain a copy of the District's complete student records policy by contacting the Superintendent.

19. Family Educational Rights and Privacy Act: Parents have certain rights regarding student information and records which are guaranteed under federal law. Notification of these rights is on pages 73-74.

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

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

22. Temporary Disability: A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil's

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parent or guardian to notify the school district in which the pupil is deemed to reside of the pupil's need for individualized instruction.

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

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

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

23. Student Residency: A student may be enrolled in the District if (1) the student's parent, legal guardian or other person having control and charge of the student resides in the District (Ed. Code, § 48200); (2) the District has approved interdistrict attendance (Ed. Code, § 46600); (3) the student is placed in a regularly established children's institution, licensed foster home, or family home; (4) the student is a foster child who remains in his or her school of origin pursuant to Education Code section 48853.5(f) and (g); (5) the student is emancipated and lives within the District; (6) the student lives in the home of an adult who has submitted a caregiver affidavit; (7) the student resides in a state hospital within the District; or (8) the student's parent or legal guardian resides outside of the boundaries of the school district but is employed and lives with the student at the place of his/her employment within the school district boundaries for a minimum of three days during the school week. (Ed. Code, § 48204) The law allows, but does not require, a district to accept a student for enrollment where at least one parent or legal guardian of the student is physically employed within the district's boundaries for a minimum of 10 hours during the school week. (Ed. Code, § 48204) A student also complies with the residency requirements for school attendance in a school district if he or she is a student whose parent is transferred or pending transfer to a military installation within the state while on active duty pursuant to an official military order. However, the parent must provide proof of residence in the school district within ten (10) days after the published arrival date provided on official documentation. (Ed. Code, § 48204.3) A student also complies with the residency requirement if the student's parent/guardians were residents of the state but departed California against their will if the student provides official documentation evidencing the departure of her/his parent/guardians against their will; that the student moved outside of California as a result of her/his parent/guardians departing California against their will; and that the student lived and was enrolled in school in California immediately before moving outside of California. (Ed. Code, § 48204.4)

24. Attendance Options: Students who attend schools other than those assigned by the District are referred to as "transfer students" throughout this notification. There is one process for choosing a school within the District which the parent lives (intradistrict transfer), and three separate processes for selecting schools in other districts (interdistrict transfer). (Ed. Code, § 48980(h)) A copy of the District's Policy on, and application for, Interdistrict and Intradistrict Transfers begins on page 77. Parents interested in interdistrict or intradistrict transfers should contact the Senior Director, Child Welfare & Attendance at (209) 574-1595. The general requirements and limitations of each process are described as follows:

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

- Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school's attendance area.
- In cases in which there are more requests to attend a school than there are openings, the selection process must be "random and unbiased," which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student's academic or athletic performance as a reason to accept or reject a transfer. However, a district may consider special

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circumstances that might be harmful or dangerous to a particular pupil in the current attendance area of the pupil, including physical threats of bodily harm or threats to the emotional stability of the pupil documented by a state or local agency, licensed or registered professional, or court order.

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

- A district is not required to provide transportation assistance to a student who transfers to another school in the district under these provisions.

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

- **Victims of Bullying:** A school district of residence must approve an intradistrict transfer request for a victim of an act of bullying unless the requested school is at maximum capacity, in which case the district must accept an intradistrict transfer request for a different school within the district. A school district of residence may not prohibit the interdistrict transfer of a victim of an act of bullying if there is no available school for an intradistrict transfer and if the school district of proposed enrollment approves the transfer application. (Ed. Code, § 46600)

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

(b) **Choosing a School Outside the District in Which Parent Lives:** Parents have two different options for choosing a school outside the district in which they live. The two options are:

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

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

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

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

- A school district of residence shall not prohibit the transfer of a student who is a homeless child or youth, a current or former migratory child, a foster youth, the victim of an act of bullying, or a child of an active military duty parent to a school district of proposed enrollment if the school district of proposed enrollment approves the transfer application.

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

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

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- Upon request of the parent on behalf of a pupil eligible for transfer pursuant to this subdivision, a school district of enrollment will provide transportation assistance to a pupil who is eligible for free or reduced-price meals. (Ed. Code, § 46600)
- A school district of enrollment may provide transportation assistance to any pupil admitted under this subdivision. (Ed. Code, § 46600(d))

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

- Either the district in which the parent (or legal guardian) lives or the district in which the parent (or legal guardian) physically works may prohibit the student’s transfer if it is determined that there would be a negative impact on the district’s desegregation plan.
- The district in which the parent (or legal guardian) physically works may reject a transfer if it determines that the cost of educating the student would be more than the amount of state funds the district would receive for educating the student.
- There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.
- There is no required appeal process for a transfer that is denied. However, the district that declines to admit a student is encouraged to provide in writing to the parent the specific reasons for denying the transfer.

(c) Districts of Choice (Ed. Code, §§ 48300-48317): The law allows, but does not require, each school district to become a “district of choice”—that is, a district that accepts transfer students from outside the district under the terms of the referenced Education Code sections. The school board of a district that decides to become a “district of choice” must determine the number of students it is willing to accept in this category each year and make sure that the students are selected through an “unbiased process,” which prohibits district inquiries, evaluations, or consideration of enrollment based upon actual or perceived academic or athletic performance, physical condition, proficiency in English, any other personal characteristic as specified in Education Code section 200, and family income (except for purposes of determining attendance priority for students eligible for free or reduced-price meals). If the number of transfer applications exceeds the number of students the school board elects to accept, transfer approval must be determined by a random public drawing held at a regular board meeting. Other provisions of the “district of choice” option include:

- A school district of residence may deny a transfer if it will negatively affect the racial and ethnic balance of the district, or a court-ordered or voluntary desegregation plan. The district a student would be leaving may also limit the total number of students transferring out of the district each year to a specified percentage of its total enrollment, depending on the size of the district.
- A school district of residence shall not prohibit the transfer of a student who is a child of an active military duty parent or adopt policies to block or discourage students from applying for transfer to a school district of choice.
- No student who currently attends a school or lives within the attendance area of a school can be forced out of that school to make room for a student transferring under these provisions.
- A school district of choice must give priority for attendance in the following order: 1) to siblings of students already attending school in the district; 2) to students eligible for free or reduced-price meals; and 3) to children of military personnel.
- A school district of choice must post application information on its Internet Website, including any applicable form, transfer timeline, and explanation of the selection process.
- A parent may request transportation assistance within the boundaries of the “district of choice.” The district is required to provide transportation only to the extent it already does so.

25. Sexual Harassment Policy: Each student will receive a written copy of the district policy on sexual harassment. The purpose of this policy is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies. A copy of the District’s policy on sexual harassment begins on page 53. (Ed. Code, §§ 231.5, 48980(g))

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

- (a) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- (b) Recognize that the best learning takes place when the student learns because of the student’s desire to learn.
- (c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his

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or her own time to follow his or her own interests. These interests may be conceived by the student totally and independently or may result in whole or in part from a presentation by the student's teachers of choices of learning projects.

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

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

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

27. Nutrition Program: The State Department of Education has established a statewide program to provide nutritious meals and milk at school for pupils, and to provide free meals to the neediest children. In some instances, nominal cash payments may be required. Information on page 9. (Ed. Code, § 49510 et seq.)

28. Leaving School Grounds: All 7-12 sites are closed campuses. Students may not leave campus between periods or during lunch.

29. U.S. Department of Education Programs: The following applies only to programs directly funded by the U.S. Department of Education: All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation shall be available for inspection by the parents or guardians of the children.

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

- (a) political affiliations or beliefs of the student or student's parents;
- (b) mental and psychological problems of the student or his/her family;
- (c) sex behavior or attitudes;
- (d) illegal, anti-social, self-incriminating or demeaning behavior;
- (e) critical appraisals of other individuals with whom respondents have close family relationships;
- (f) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (g) religious practices, affiliations, or beliefs of the student or student's parent; or
- (h) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

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

30. Fingerprint Programs: With the written consent of the parent or guardian, kindergarten or newly enrolled students may be fingerprinted. The parent or guardian may revoke their consent in writing at any time. The fingerprint document may not be retained by the District but must be delivered to the parent or guardian. A fee shall be charged to the parent or guardian to reimburse the District for its actual cost. (Ed. Code, §§ 32390, 48980(f)) [NOTE: Modesto City Schools does NOT have a fingerprint program for students.]

31. Uniform Complaint Procedures:

Complaints Alleging Discrimination, Harassment, Intimidation, and Bullying: State and federal law prohibit discrimination in education programs and activities. The District is primarily responsible for compliance with federal and state laws and regulations. (Cal. Code Regs., tit. 5, § 4620.)

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

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

- (a) Any individual, public agency or organization has the right to file a written complaint alleging that he/

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she has personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal. Code Regs., tit. 5, §§ 4610, 4630(b)(1))

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

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

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

Complaints Other Than Discrimination, Harassment, Intimidation, and Bullying: The District has a written complaint procedure which may be used in cases where any individual, public agency or organization alleges violations of state or federal law, other than those relating to discrimination, harassment, intimidation, and bullying.

(e) Written complaints may be made regarding:

- (i) Adult Education
- (ii) After School Education and Safety
- (iii) Agricultural Career Technical and/or Vocational Education
- (iv) American Indian Education Centers and American Indian Early Childhood Education
- (v) Bilingual Education
- (vi) California Peer Assistance and Review Programs for Teachers
- (vii) Consolidated Categorical Aid Programs
- (viii) Migrant Child Education Programs
- (ix) Every Student Succeeds Act (formerly No Child Left Behind)
- (x) Career Technical and Technical Education and Technical Training Programs
- (xi) Child Care and Development
- (xii) Child Nutrition
- (xiii) Compensatory Education
- (xiv) Consolidated Categorical Aid
- (xv) Economic Impact Aid
- (xvi) Special Education
- (xvii) "Williams Complaints"
- (xviii) Pupil Fees
- (xix) Instructional Minutes for Physical Education
- (xx) Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP)
- (xxi) Pregnant and Parenting Pupils, including parental leave
- (xxii) Student Parent Lactation Accommodations
- (xxiii) Course Assignments already Completed or without Educational Content
- (xxiv) Physical Education Instructional Minutes
- (xxv) Foster Youth, Homeless Youth, former Juvenile Court School Student Services, Migrant Youth, and Pupils of Military Families
- (xxvi) Regional Occupational Centers and Programs
- (xxvii) Continued Education Options for Former Juvenile Court School Students
- (xxviii) School Safety Plans
- (xxix) School Plans for Student Achievement (SPSA)
- (xxx) Tobacco-Use Prevention Education
- (xxxi) Schoolsite Councils
- (xxxii) State Preschool
- (xxxiii) State Preschool Health and Safety Issues in Local Education Agencies Exempt From Licensing
- (xxxiv) Any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code section 64000
- (xxxv) Any other educational programs the Superintendent deems appropriate

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

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

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

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

Within 60 days from the date of receipt of the complaint, the District's responsible officer or his/her designee

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shall conduct and complete an investigation of the complaint in accordance with local procedures adopted pursuant to California Code of Regulations, title 5, section 4621 and prepare a written decision. The time period may be extended by mutual written agreement of the parties.

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

(i) Insufficient textbooks and instructional materials;

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

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

(iv) Teacher vacancy or misassignment; or

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

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

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

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

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

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

Responsible Official: The District officials responsible for processing complaints are listed in the following table and are available at the following address: 426 Locust Street, Modesto.

Programs	Designee
Nutrition Services	Associate Superintendent, Business Services
Migrant Education	Associate Superintendent, Curriculum and Instruction & Professional Development
Special Education	Associate Superintendent, Student Support Services
Adult Education Programs, After School Education and Safety Programs, Agricultural Career Technical Education, State Career Technical and Technical Education, Career Technical and Technical Education and Training Programs, Federal Career Technical Education, Child Care and Development Programs Compensatory Education, The Federal Every Student Succeeds Act, Regional Occupational Centers and Programs, School Safety Plans, California State Preschool Programs, State Preschool Health and Safety Issues in LEA's Exempt from Licensing, Lactation Accommodations, Title IX Compliance Officer, Equity Compliance Officer	Associate Superintendent, Educational Services

NOTE: All complaints involving employees will also be reviewed by the Associate Superintendent, Human Resources.

Complaints Made Directly to the State Superintendent:

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

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

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- (j) Complaints regarding Child Development and Child Nutrition programs not administered by the District.
- (k) Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at District level.
- (l) Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.
- (m) Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
- (n) Complaints alleging immediate and irreparable harm as a result of applying a district-wide policy in conflict with state or federal law and that complaining at the local level would be futile.
- (o) Complaints relating to Special Education, but only if:
 - (i) The District unlawfully refuses to provide a free appropriate public education to handicapped students;
 - (ii) The District refuses to comply with due process procedures or fails to implement due process hearing order;
 - (iii) Children may be in immediate physical danger, or their health, safety or welfare is threatened;
 - (iv) A handicapped pupil is not receiving the services specified in his/her Individual Educational Program (IEP); or
 - (v) The complaint involves a violation of federal law.
- (p) The District refuses to respond to the State Superintendent's request for information regarding a complaint originally filed with the District.
(Cal. Code Regs., tit. 5, §§ 4630, 4650)

Appeals:

- (q) Except for Williams Complaints, a complainant may appeal the District's decision to the California Department of Education. (Ed. Code, § 262.3(a); Cal. Code Regs., tit. 5, §§ 4622, § 4632)
 - (i) Appeals must be filed within fifteen (15) days of receiving the District decision.
 - (ii) Appeals must be in writing.
 - (iii) Appeals must specify the reason(s) for appealing the District decision, including whether the facts are incorrect and/or the law has been misapplied.
 - (iv) Appeals must include a copy of the original complaint and a copy of the District decision.
 - (v) Pupil fee complaints appealed to the California Department of Education will receive a written appeal decision within 60 days of the department's receipt of the appeal.
 - (vi) If the school/District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the school/District will provide a remedy to all affected pupils, parents, and guardians. For pupil fee complaints, this includes reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
- (r) If a complaint is denied, in full or in part, by the Department of Education, the complainant may request reconsideration by the State Superintendent of Public Instruction. (Cal. Code Regs., tit. 5, § 4665)
 - (i) Reconsideration must be requested within thirty-five (35) days of receiving the Department of Education report.
 - (ii) The original decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

Civil Law Remedies:

In addition to the above-described complaint procedure, or upon completion of that procedure, complainants may have civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. These civil law remedies can include, but are not limited to, injunctions and restraining orders. These civil law remedies are granted by a court of law and may be used, in part, to prevent the District from acting in an unlawful manner. Delay in pursuing civil law remedies before a court of law may result in loss of rights to those remedies. Any questions regarding civil law remedies should be directed to an attorney. (Ed. Code, § 262.3(b); Cal. Code Regs., tit. 5, § 4622)

32. Pupil-Free Staff Development Day and Minimum Day Schedule: A copy of the District's non-attendance day and minimum day schedules is on page 5. A pupil's parent or guardian will be notified during the school year of any additional minimum days and pupil-free staff development days no later than one month before the actual date. (Ed. Code, § 48980(c))

33. Review of Curriculum: A prospectus of curriculum, including titles, descriptions, and instructional aims of every course offered by each public school, is available at the school site for parent review upon request. Copies are available upon request for a reasonable fee not to exceed the actual copying cost. (Ed. Code, §§ 49063, 49091.14)

34. Transitional Kindergarten: The District may admit a child, who will have his/her fifth birthday after December 2, to a transitional kindergarten at the beginning of or at any time during the school year with parental/guardian approval if:

- (a) the governing board or body determines that the admittance is in the best interests of the child, and
- (b) the parent/guardian is given information on the advantages and disadvantages and any other explanatory information on the effects of early admittance. (Ed. Code, § 48000)

35. Pupil Find System; Policies and Procedures: Any parent suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the Director of Student Services

Parent Notice of Rights and Responsibilities

and/or Special Education, or his/her designee. Policy and procedures shall include written notification to all parents of their rights pursuant to Education Code section 56300 et seq. (Ed. Code, § 56301, 34 C.F.R. § 104.32(b))

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

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

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

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

- **Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and Aides:** Upon request, parents have a right to information regarding the professional qualifications of their student's classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects he/she teachers, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the major or field of discipline for any degrees or certifications held by the teacher, and whether any instructional aides or paraprofessionals provide services to the parents' child and, if so, their qualifications. In addition, parents have a right to notice when the parent's child has been taught for four or more weeks by a teacher who is not highly qualified. (ESEA § 1111(h)(6) (as amended by ESSA))
- **Information Regarding Individual Student Reports on Statewide Assessments:** Upon request, parents have a right to information on the level of achievement of their student on every State academic assessment administered to the student. (ESEA § 1111(h)(6) (as amended by ESSA))
- **School Identified for School Improvement:** A local educational agency shall promptly provide notice to a parent or parents of each student enrolled in an elementary school or a secondary school identified for school improvement (school that fails for two consecutive years to make adequate yearly progress as defined in the State's plan) for corrective action or for restructuring. The notice will be in an understandable and uniform format, and to the extent practicable, in a language the parents can understand. The notice will include an explanation of what the identification means; how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency; the reasons for the identification; an explanation of what the school identified for school improvement is doing to address the problem of low achievement; an explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem; an explanation of how parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and an explanation of the parents' option to transfer their child to another public school (with transportation provided by the agency when required or to obtain supplemental educational services for the child). (ESEA § 1116(b)(6) (as amended by ESSA))
- **Limited English Proficient Students:** ESSA requires notice be given to parents of limited English proficient students regarding limited English proficiency programs, not later than 30 days after the beginning of the school year (or, for students identified later in the school year, within two weeks). Notice includes: the reasons for the identification of the student as limited English proficient; the need for placement in a language instruction educational program; the student's level of English proficiency and how such level was assessed; the status of the student's academic achievement; the methods of instruction used in the available programs (including content, instructional goals, and the use of English and native language); the exit requirements for the program; how the program meets the objectives of the student's IEP, if applicable; and, parent options for removing a student from a program, declining initial enrollment and/or choosing another program. (ESEA § 1112(g)(1)(A) (as amended by ESSA)) In addition, the notice shall include the following: (1) whether the student is a long-term English learner or at risk of becoming a long-term English learner; (2) the manner in which the program will meet the needs of long-term English learners or those at risk of becoming long-term English learners; and (3) the manner in which the program will help long-term English learners or those at risk of becoming long-term English learners develop English proficiency and meet age-appropriate academic standards. (Ed. Code, §§ 313.2, 440; 20 U.S.C. § 6312)

The information provided above is available upon request from each student's school or the district office.

Additional notices that may be required shall be sent separately. (20 U.S.C. § 6301 et seq.)

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

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program. (Ed. Code, § 310; Cal. Code Regs., tit. 5, §§ 11309, 11310)

41. Military Recruiter Information: 20 U.S.C. section 7908 requires that school districts disclose the names, addresses and telephone numbers of high school students to military recruiters upon request, unless parents request that this information not be released without prior written consent. Parents have the option of making such a request. If parents do not wish this information to be provided to military recruiters, they must notify the District office of this fact while completing the online Back To School portal.

42. Children in Homeless/Foster Care Situations, Former Juvenile Court School Students, Migrant Students, and Newcomers: Each local district shall designate a staff person as a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. (Ed. Code, § 48852.5, 42 U.S.C. § 11432(g)(1)(J)(ii)) The District's liaison is Heather Zamora and can be contacted at (209) 574-1600.

A homeless child will be allowed to continue his/her education in their school of origin through the duration of homelessness at the point of any change or any subsequent change in residence once a child becomes a homeless child. If the child's status changes before the end of the academic year so that he/she is not homeless, the District will allow a child in high school to continue his/her education in the school of origin through graduation. For a child in grades K through 8, the District will allow the formerly homeless child to continue his/her education in the school of origin until the end of the academic school year. A homeless child transitioning between school grade levels will be allowed to continue in the school district of origin in the same attendance area. If a homeless child is transitioning to a middle or high school where the school designated for matriculation is in another school district, the homeless child must be allowed to continue to the school designated for matriculation in that school district. The new school will be required to enroll the child immediately regardless of any outstanding fees, fines, textbooks or other items or moneys due to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including medical records, proof of immunization history, and proof of residency. (Ed. Code, § 48852.7) The District has designated Stepanie Orona as the educational liaison for foster children and can be contacted at (209) 574-1600. The educational liaison will disseminate a standardized notice to foster children that has been developed by the State Department of Education and includes complaint process information. (Ed. Code, § 48853.5) A foster child shall be allowed to continue his/her education in the school of origin under specified circumstances. If it is determined that it is in the best interests of the foster child to transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended or if the child is unable to produce clothing or records normally required for enrollment, including immunization history. The last school attended must provide all records to the new school within two business days of receiving the request. (Ed. Code, §§ 48853, 48853.5) Upon receiving a transfer request or notification of a student in foster care, the District shall, within two business days, transfer the student out of school and deliver the educational information and records to the next educational placement. Grades and credits will be calculated as of the day the student left school and no lowering of grades will occur as a result of the student's absence due to the decision to change placement or for a verified court appearance or related court activity. (Ed. Code, § 49069.5)

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

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

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

43. Continued Education Options For Juvenile Court School Students: A juvenile court school student, or the person holding the right to make educational decisions for the student, may voluntarily defer or decline issuance of their diploma until after the student is released from the juvenile detention facility, thereby allowing the student to take additional coursework at a local education agency. The county office of education will notify the student, the person holding to right to make educational decisions for the student, and the student's social worker or probation officer of all of the following:

- (a) The student's right to a diploma;
- (b) How taking coursework and meeting other educational requirements will affect the student's ability to gain admission to a post-secondary educational institution;
- (c) Information about transfer opportunities available through the California Community Colleges; and
- (d) The option to defer or decline the diploma and take additional coursework. (Ed. Code, §§ 48645.3(a), 48645.7)

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

45. Pesticide Products: All schools are required to provide parents or guardians with annual written notice

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of expected pesticide use at schools. The list on pages 75-76 provides the name of each pesticide product, the active ingredient(s) and the Internet address for further information. Parents or guardians may request prior notice of individual pesticide applications at the school. If a parent wishes to be notified every time a pesticide is going to be applied, he or she must complete the attached form and return it to his or her child's school. A copy of the integrated pest management plan for the school site or District may be provided on the school website or viewed at the school office. (Ed. Code, §§ 48980.3, 17611.5, 17612)

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

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

The person holding the student's educational rights (i.e. the pupil if over 18 or the parent if under 18) may notify the school of the student's intent to exercise this right. Leave may still be taken even if notice was not provided. During the leave, the student's absences shall be deemed excused and the student shall not be required to complete academic work or other school requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50. Regional Occupational Centers and Programs/County Offices of Education Programs/Adult

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

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

51. Pupil Fees: A pupil enrolled in a public school will be required to pay a pupil fee for participation in an educational activity. (Ed. Code, § 49011)

(a) The following requirements apply to prohibited pupil fees:

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

(ii) A fee waiver policy shall not make a pupil fee permissible.

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

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

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

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

Notification of Rights Under FERPA for Elementary and Secondary Schools

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

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

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

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

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

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

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

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

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

In addition, the Student Aid Commission may have access to the grade point average (GPA) of all district students in grade 12 and, when required, verification of high school graduation or its equivalent of all students who graduated in the prior academic year, for use in the Cal Grant postsecondary financial aid program.

However, such information shall not be submitted when a student, or his or her parent or guardian if the student is under 18 years of age, "opts out" or is permitted by the rules of the Student Aid Commission to provide test

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scores in lieu of his or her GPA. (Ed. Code, §§ 69432.9, 69432.92) No later than January 1 each year, the Superintendent or designee shall notify each student in grade 11, and the student's parents/guardians if the student is under 18 years of age, that the student's GPA will be forwarded to the Student Aid Commission by October 1 unless the student opts out within a period of time specified in the notice, which shall not be less than 30 days. (Ed. Code, § 69432.9)

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW Washington, DC 20202-5920

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

Your Child Has the Right to a Free Public Education

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

Information Required for School Enrollment

- When enrolling a child, schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency.
- You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

Confidentiality of Personal Information

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
- Some schools collect and provide publicly basic student “directory information.” If they do, then each year, your child's school district must provide parents/guardians with written notice of the school's directory information policy, and let you know of your option to refuse release of your child's information in the directory.

Family Safety Plans If You Are Detained or Deported

- You have the option to provide your child's school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.
- You have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

Right to File a Complaint

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

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

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

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

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

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

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

Department of Education (ED):

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

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

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

C. Inspect, upon request and before administration or use:

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

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

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

1. Collection, disclosure, or use of personal information for marketing, sales or other distribution.
2. Administration of any unprotected information survey not funded in whole or in part by the Department of Education.
3. Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920

HEALTHY SCHOOLS ACT OF 2000

Notice to all students, parents/guardians and employees of Modesto City Schools: Education Code sections 17608 et seq. requires, among other things, that school districts notify parents and staff about the use of pesticides at school. See Board Policy 3514.1 – Use of Pesticides. The purpose is to reduce exposure to toxic pesticides through information and application of an integrated pest management system at schools. Towards this end, and pursuant to the requirements of this legislation, please be advised that Modesto City Schools may use some or all of the pesticides listed on the next page at its campuses during the upcoming year.

Parents/guardians of students in Modesto City Schools can register with the District’s Maintenance & Operations Department to receive notification of individual pesticide applications by calling (209) 574-1618. Persons who register for this notification shall be notified at least seventy-two (72) hours prior to the application, except in emergencies, and will be provided the name and active ingredient(s) of the pesticide as well as the intended date of application. If you wish to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to California Food and Agricultural Code section 13184, you can do so by accessing the Department’s web-site at www.cdpr.ca.gov.

Parent Notice of Rights and Responsibilities

Name of Pesticide	Active Ingredient(s)
Modesto City Schools	
Amdro Gopher Gasser	Potassium Nitrate, Sulfur, Carbon
Fumitoxin	Aluminum Phosphide
Gopher Getter Type 1	Strychnine
GLY-4 Herbicide	Glyphosate, Isopropylamine salt
Kaput-D	Diphacinone
Roundup ProMax	Glyphosate, N-(phosphonomethyl) glycine
Spraypak Flying & Crawling Insect Killer-4334106	Natural pyrethins and synthetic pyrethroid, Permethrin
Spraypak Wasp, Bee & Hornet Killer-4334108	Synthetic pyrethroid, Tetramethrin
Stomp Wasp & Hornet Spray	Tetramethrom, Sumithrin
Sure Stop Mole & Gopher Killer Bait	Zinc Phosphide
The Giant Destroyer	Sodium Nitrate, Sulfur, Charcoal
Wilco Type I	Strychnine
Wilco Type II	Diphacinone
ZP Ag Oats	Zinc Phosphide
Paramount Pest Control Service	
Suspend SC	Deltamethrin 4.75%
Termidor SC	Bifenthrin 9.1%
Tengard SFR	Permethrin 36.8%
Widsom TC	Bifenthrin 7.9%
250 Propoxour	Propoxour 1%
Cardinal Fog	Pyrethrins .5%
PT 565 XLO	Pyrethrins .25%
May Force Roach Bait	Fipronil .01%
Advance Ant Bait	Abamectin .01%
Terro Ant Bait	Sodium Tetraborate 5.4%
Wasp Freeze	d-trans Allethrin .129%
Contra Blox	Bromadiolone .005%
Avitrol Whole Corn	4 Aminopyridine .5%
Eastside Mosquito Abatement	
Kontrol 4-4	Inert ingredients 90.8% Piper Oryl Butoxidtehical 4.6%, Permethrin 4.6%
Clark Pest Control	
Alpine WSG	Dinotefuran
Contra All Weather Blox	Bromadiolone
CyKick CS	Cyfluthrin
Essentria IC3	Rosemary Oil, Geraniol, Peppermint Oil
Niban Granular Bait	Orthoboric Acid
Phantom SC	Chlorfenapyr
Premise Pro	Imidacloprid
Suspend PolyZone	Deltamethrin
Tekko Pro	Novaluron, Pyriproxyfen
Termidor SC	Fipronil
Wasp Freeze II	Prallethrin

MODESTO CITY SCHOOLS

Board Policy

BP 5116.1

STUDENTS

Intradistrict Open Enrollment

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation. (cf. 5117 - Interdistrict Attendance)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. (Education Code 35160.5) (cf. 5111.1 - District Residency)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5) (cf. 5116 - School Attendance Boundaries)(N/A)

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment Act list (Education Code 48354) (cf. 5118 - Open Enrollment Act Transfers)
2. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11992) (cf. 0450 - Comprehensive Safety Plan)(N/A)
3. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)
4. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)
 - a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, social worker, or a properly licensed or registered professional such as a psychiatrist, psychologist, or marriage and family therapist
 - b. A court order, including a temporary restraining order and injunction
5. Any sibling of a student already in attendance in that school
6. Any student whose parent/guardian is assigned to that school as his/her primary place of employment

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between January 10 and February 7 of the school year preceding the school year for which the transfer is requested.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5) (cf. 6172 - Gifted and Talented Student Program)(N/A)

Transportation

Except as required for students who transferred out of a Title I program improvement school, the district shall not be obligated to provide transportation for students who attend school outside their attendance area. (cf. 3250 - Transportation Fees)(N/A) (cf. 3540 - Transportation)(N/A)

Intradistrict Transfers

Legal Reference:

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6311 State plans

7912 Transfers from persistently dangerous schools

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Public School Choice FAQs

Every Student Succeeds Act - Update #8, July 14, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

Unsafe School Choice Option, May 2004

WEB SITES

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

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

U.S. Department of Education: <http://www.ed.gov>

ADOPTED: April 25, 1994

REVISED: July 22, 2019

MODESTO CITY SCHOOLS

Board Policy

BP 5117

STUDENTS

Interdistrict Attendance

The Governing Board recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district. (cf. 5111.1 – District Residency) (5116.1 - Intradistrict Open Enrollment)

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student’s permit. (Education Code 46600)

Upon receiving a permit for transfer into the district that has been approved by the student’s district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

Transportation

The district shall not provide transportation.

Legal Reference:

EDUCATION CODE

- 41020 Annual district audits
- 46600-46610 Interdistrict attendance agreements
- 48204 Residency requirements for school attendance
- 48300-48317 Student attendance alternatives, school district of choice program
- 48900 Grounds for suspension or expulsion; definition of bullying
- 48915 Expulsion; particular circumstances
- 48915.1 Expelled individuals; enrollment in another district
- 48918 Rules governing expulsion procedures
- 48980 Notice at beginning of term
- 48985 Notices to parents in language other than English
- 52317 Regional occupational center/program, enrollment of students, interdistrict attendance

CALIFORNIA CONSTITUTION

Article 1, Section 31 Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

ATTORNEY GENERAL OPINIONS

- 87 Ops.Cal.Atty.Gen. 132 (2004)
- 84 Ops.Cal.Atty.Gen. 198 (2001)

COURT DECISIONS

- Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234
- Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

WEB SITES

- CSBA: <http://www.csba.org>
- California Department of Education: <http://www.cde.ca.gov>

-
- ADOPTED: April 19, 1982
 - REVISED: April 27, 1987
 - August 20, 1990
 - June 28, 1993
 - April 25, 1994
 - February 28, 2005
 - January 20, 2015
 - July 22, 2019

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SCHOOL YEAR 2022-2023

Intradistrict Deadline:
February 11, 2022

REQUEST FOR INTRA (within MCS) INTER (outside MCS) DISTRICT AGREEMENT

426 LOCUST ST. MODESTO, CA 95351 PH: (209) 574-1595 FX: (209) 574-1549 E-Mail: IDT@monet.k12.ca.us

New Student Continue Current Placement

★ Is the student enrolled in a Special Education Program (Has an IEP)? YES NO

Resource Specialist (RSP)

Special Day Class (SDC)

Pending Assessment Services

Other Services (Speech/Language/504) Specify: _____

M F

Print Student Name _____ D.O.B. _____ Grade (2-23) _____ ID # _____ Gender _____

SCHOOL you are requesting your child attend _____

SCHOOL of residence _____

SCHOOL your child is currently attending or last attended _____

Reason for request: _____

Print Parent/Guardian Name _____

Address (Street and Apt #) _____ City _____ State CA Zip Code _____

Home/Cell Number _____

Work/Alternative Number _____

E-Mail Address _____

I understand that this permit may be revoked if the student does not attend school regularly on a timely basis, maintain good citizenship/behavior, maintain passing grades, and make satisfactory progress towards promotion. I understand that student transportation is the responsibility of the parent/guardian. Continued enrollment is subject to space availability. Should overcrowding exist, your student may be transferred within the first 20 days of school (B.P. 6151.2).

Parent/Guardian Signature X _____ Date: _____

NEW STUDENTS ONLY

APPROVAL IS BASED ON SPACE AVAILABILITY. TRANSPORTATION IS TO BE PROVIDED BY PARENT/GUARDIAN.

Priority reason for request (Level 1 or Level 2 requests need to be complete or student will be placed in Level 3).

Level 1 Sibling attends requested school.

Print sibling name: _____ Grade: _____ MCS ID# _____

Level 2 Parent/guardian is a Modesto City Schools' employee at requested school.

Level 3 **NEW** (Student will be placed in an unbiased random draw process based on school, grade, and priority level).

FOR OFFICE USE ONLY

APPROVED DENIED

Requested School Principal's Signature _____

Date _____

Principal's Reason for Denial: _____

If approved, is space available in Special Education Program? YES NO (Attach email from SPED) N/A

APPROVED DENIED

Senior Director, Child Welfare and Attendance Signature _____

Date _____

CWA Notes: _____

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MODESTO CITY SCHOOLS

Child Welfare and Attendance

426 Locust Street, Modesto, California 95351-2699
(209) 574-1595 • (209) 574-1549 fax • mcs4kids.com

TO: PARENTS/GUARDIANS OF 7TH-12TH GRADE STUDENTS
FROM: David Houck, Senior Director of Child Welfare and Attendance

DATE: July 2021

It is the policy of MODESTO CITY SCHOOLS to release students in grades 7-12 for medical, dental, and optometrical appointments and grant them excused absences in two ways:

1. Written notes signed ONLY by the parents/guardians;
2. Written verification by the doctor OR the parents/guardians.

If you want your child released and excused on the basis of #2 (a written verification by the doctor OR the parent/guardian), PLEASE SIGN THE AUTHORIZATION FORM AND RETURN IT TO YOUR CHILD'S SCHOOL.

If the school does not receive this authorization form signed by you, school staff will not release your child(ren) or grant an excused absence on any basis other than a note, for each medical, dental, and optometrical appointment, signed by the parent or guardian.

The schools will not accept telephone verification of appointments. If you have any questions about this policy, or the form attached, please call the Modesto City Schools Office of Child Welfare and Attendance at 574-1595.

Thank you for your time and cooperation.

MODESTO CITY SCHOOLS 2021/2022 AUTHORIZATION FORM

STUDENT RELEASED AND EXCUSED ON THE WRITTEN VERIFICATION OF THE DOCTOR

TO: SCHOOL PRINCIPAL

I authorize you to release my child(ren) for medical, dental, and optometrical appointments and to grant excused absences for these appointments on the basis of written verification of the doctor OR me.

This includes confidential medical services dealing with pregnancy, birth control information, abortion, diagnosis or treatment of a communicable or sexually transmitted disease, treatment for sexual assault, and substance abuse.

I understand this means I will not be notified by the school when doctor verification is provided.

NAME(S) OF CHILD(REN):

_____	_____	_____	_____
Last Name,	First Name	Middle Name	School

_____	_____	_____	_____
Last Name,	First Name	Middle Name	School

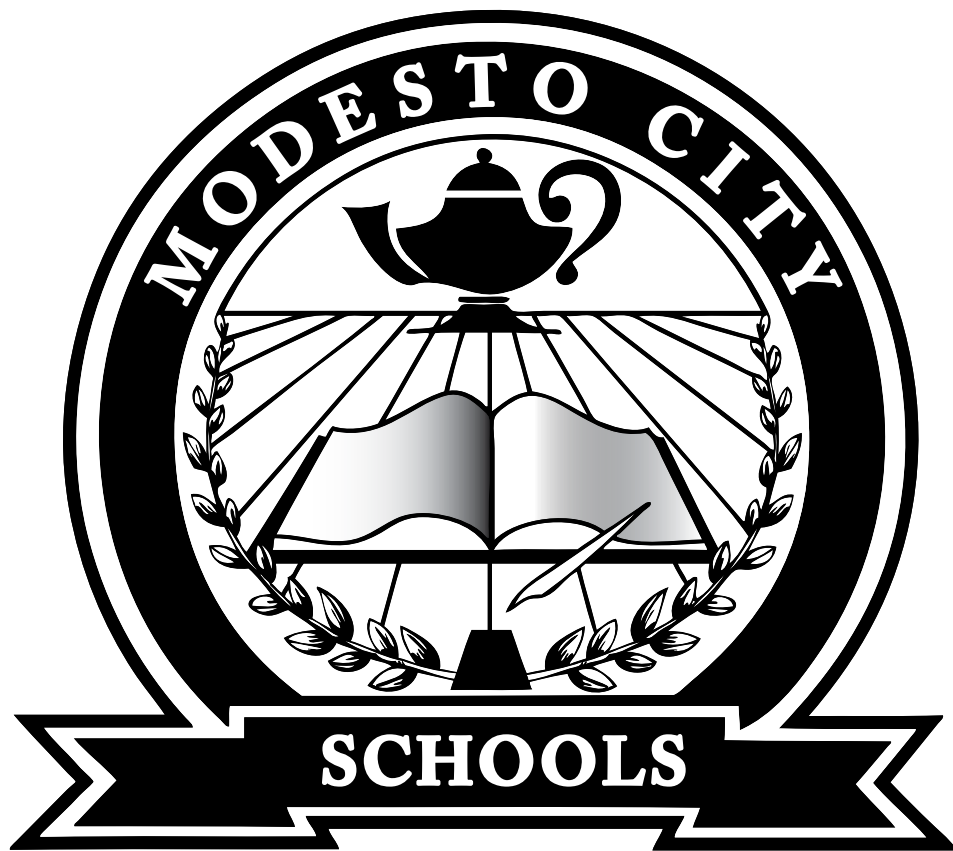
_____	_____	_____	_____
Last Name,	First Name	Middle Name	School

_____	_____	_____	_____
Last Name,	First Name	Middle Name	School

SIGNATURE OF PARENT/GUARDIAN:

_____	_____
Signature	Date

This form indicates authority for the school to excuse students for medical reasons for the 2021/2022 school year. In accordance with District policy, parents/guardians who authorize that the school release their child(ren) for medical reasons on the basis of written verification by the doctor or parent/guardian, must complete this form EACH SCHOOL YEAR. A photocopy of this form will be mailed to parents/guardians as verification of its receipt by the school and the signature of the parent/guardian.



mcs4kids
M O D E S T O C I T Y S C H O O L S