

**HESPERIA UNIFIED SCHOOL DISTRICT  
CERTIFICATION OF RECEIPT OF NOTIFICATION OF PARENTS' RIGHTS  
2020-2021**

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

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

STUDENT NAME (PLEASE PRINT) \_\_\_\_\_

PARENT/GUARDIAN NAME (PLEASE PRINT) \_\_\_\_\_

PARENT/GUARDIAN SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

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

California Education Code 48981 – Time and means of notification.

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

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

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

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

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

**C A L I F O R N I A   H E A L T H Y   Y O U T H   A C T**

**CALIFORNIA HEALTHY YOUTH ACT – EC 51930-51939** – The California Healthy Youth Act requires school districts to provide pupils with integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention education at least once in middle school and once in high school. It is intended to ensure that pupils in grades 7-12 are provided with the knowledge and skills necessary to: 1) protect their sexual and reproductive health from HIV, other sexually transmitted infections, and unintended pregnancy; 2) develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family; and 3) have healthy, positive, and safe relationships and behaviors. It also promotes understanding of sexuality as a normal part of human development.

Parents or legal guardians have the right to:

1. Inspect the written and audiovisual educational materials used in the comprehensive sexual health and HIV prevention education.
2. Request in writing that their child not receive comprehensive sexual health or HIV prevention education.
3. Request a copy of Education Codes 51930 through 51939, the California Healthy Youth Act.
4. Be informed whether the comprehensive sexual health or HIV prevention education will be taught by district personnel or outside consultants.
5. Receive notice by mail or another commonly used method of notification no fewer than 14 days before the instruction is delivered if arrangements for the instruction are made after the beginning of the school year.
6. When the district chooses to use outside consultants or to hold an assembly with guest speakers to teach comprehensive sexual health or HIV prevention education, be informed of:
  - a. The date of the instruction
  - b. The name of the organization or affiliation of each guest speaker

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

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

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

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

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

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

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

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

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

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

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

**AIIM (760) 948-3999 ext. 5144**  
*Applied Intensive Intervention Model*

An intensive, highly structured option for special education students who are at risk. A student must be referred through Special Services and must have a current IEP recommending AIIM.

**SHADOW RIDGE SCHOOL (760) 949-8267**  
Shadow Ridge School provides high quality instruction for students who want an alternative to the regular school day and course of study. Students schedule their study time around two weekly meetings with their teacher. Individual and small-group tutoring is also available. Shadow Ridge School is a fully accredited program that provides the ability to earn back deficit credits. Students have access to academic counseling and technology to enhance their learning.

**WORK EXPERIENCE (760) 244-1771 ext. 5117**  
Work experience is a partnership between the school and the community. It provides opportunities for students 16 years and older to experience the world of work while exploring career options and earning high school credit. If you are interested in this program, please contact the counseling department at the school that the students currently attend.

**HESPERIA COMMUNITY DAY SCHOOL (760) 948-3999 ext. 5108**  
This is a program for students who have been recommended for expulsion and may no longer attend other schools in the District. Students are referred to this program by the District or School Attendance Review Board (SARB).

**GED TEST PREPARATION (760) 244-1771**  
This program prepares adults for the five-part GED exam. Students are eligible to take the test 60 days prior to their 18th birthday. A passing grade confers a GED certificate, which is deemed equivalent to a high school diploma for most state and local public agencies.

**CAREER TECHNICAL EDUCATION/ROP (760) 244-1771 ext. 5117**  
ROP classes offer vocational training, career guidance, and placement services to students 16 years and older. CTE/ROP teaches basic skills through community-based job training in local business and industry. Students earn elective high school credit for completing these classes.

**TWILIGHT CLASSES (760) 948-3999 ext. 5108**  
The District offers free behavioral intervention classes in the Alternative Education Center twice a week. Classes, limited to 12 participants, are scheduled after the regular school day, and currently include Drug and Alcohol and Anger Management. Students who attend 12 classes receive a certificate of completion.

**WORKABILITY (760) 244-1771 ext. 5114**  
Workability provides pre-employment skills, classroom training, paid work experience and work site supervision for special education students who are between the ages of 16 and 21. Students will gain an understanding of job seeking skills, expected workplace behavior and available employment opportunities.

**ADULT HIGH SCHOOL PROGRAMS (760) 244-1771 ext. 5113**  
These programs provide opportunities for adult students to earn their high school diplomas and prepare for entry level employment. Classes include: preparation for the GED, the adult diploma program, career training, English language development, and citizenship.

**SPECIAL EDUCATION WORK TRANSITION PROGRAM (760) 948-3999 ext. 5151**  
Special Education students who qualify will be provided an opportunity to complete their high school diploma requirements while obtaining real life employment skills. Please contact Mojave High School.

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

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

## ATTENDANCE

### **RESIDENCY**

A minor between the ages of 6 and 18 years is subject to compulsory education and, unless exempted, must enroll in school in the school district in which the residence of either the parent or legal guardian is located. (E.C. 48200)

A pupil may alternatively comply with residency requirements for school attendance in a school district, if he or she is any of the following: placed in a foster home or licensed children's institution with the boundaries of the school district pursuant to a commitment of placement under the Welfare and Institutions Code; a pupil who is a foster child who remains in his or her school of origin; an emancipated pupil who resides within the boundaries of the school district; a pupil who lives in the home of a caregiving adult that is located within the boundaries of the school district; a pupil residing in a state hospital located within the boundaries of the school district; or a pupil whose parent is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order. (E.C. 48204(a), 48204.3)

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

### **ALLOWED ABSENCES** – (E.C. 48205)

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

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

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

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

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

- (e) “Immediate family,” as used in this section, **means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.**

**OPEN ENROLLMENT TRANSFERS** – California law requires all school boards to inform each student’s parent/guardian at the beginning of the school year of the various ways in which they may choose schools for the children to attend other than the ones assigned by school districts. Students that attend schools other than those assigned by the districts are referred to as “open enrollment transfer students” throughout this section. There is one process for choosing a school within the district which the parent/guardian lives (intradistrict transfer), and two separate processes for selecting schools in other districts (interdistrict transfer). Following are the general requirements and limitations of each process:

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

The law limits choice within a school district as follows:

- a. A pupil who currently resides in the attendance area of a school shall not be displaced by pupils transferring from outside the attendance area. (E.C. 35160.5)
- b. In cases where there are more requests to attend a school than there are openings, the selection process must be “random and unbiased,” which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student’s academic or athletic performance as a reason to accept or reject a transfer.
- c. Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
- d. Transportation to any other school is the responsibility of the parent.
- e. If a transfer is denied, a parent/guardian does not have an automatic right to appeal the decision. A district may, however, voluntarily decide to put in place a process for parents/guardians to appeal.
- f. Parents of high school athletes should check on the CIF sports eligibility rules before pursuing Open Enrollment.
- g. A special circumstance may exist that might be harmful or dangerous to a particular pupil in the current attendance area of the pupil, including, but not necessarily limited to, threats of bodily harm or threats to the emotional stability of the pupil, that serve as a basis for granting priority of attendance outside the current attendance area of the pupil. (E.C. 35160.5)
- h. Schools receiving requests for admission shall give priority for attendance to siblings of pupils already in attendance in that school and to pupils whose parent or legal guardian is assigned to that school as his or her primary place of employment. (E.C. 35160.5)

**Interdistrict Transfers (choosing a school outside the district in which parent/guardian lives).**

Parent/guardians have the following two different options for choosing a school outside the Hesperia Unified School District:

1. Both the school district a parent/guardian is requesting a transfer to and the one a parent/guardian is transferring from must take into consideration the child care needs of the student. If the transfer is approved based on childcare needs, the student may be allowed to stay in the new district or the high school district to which it feeds through the 12<sup>th</sup> grade, subject to certain conditions.
  - a. If either district denies a transfer request, a parent/guardian may appeal that decision to the county board of education. There are specified timelines in the law for filing an appeal and for the county board of education to make a decision. (E.C. 46600 through 46610)
  - b. A pupil whose parent or legal guardian resides outside of the boundaries of that school district, but is employed and lives with the pupil at the place of his employment within the boundaries of the school district for a minimum of three days during the school week. (E.C. 48204(a))
2. If one or both parents/guardians of a pupil are employed in the boundaries of a school district for a minimum of 10 hours during the school week, other than the one in which they live, the student may be considered a resident of the school district in which his/her parents or guardians work. This code section does not require that a school district automatically accept a student requesting a transfer on this basis, but a student may not be rejected on the basis of race/ethnicity, sex, parental income, academic achievement, or any other “arbitrary” consideration. Other provisions include:
  - a. Either the district in which the parent/guardian lives or the district in which the parent/guardian works may prohibit the transfer if it is determined that there would be a negative impact on the district.
  - b. The district in which the parent/guardian works may reject a transfer if it determines that the cost of educating the student would be more than the amount of government funds the district would receive for

educating the student. This limitation might particularly apply to any special needs student that would require extra services from the district for which the district believes the state aid it would receive would not fully pay.

- c. There are set limits (based on total enrollment) on the net numbers of students that may transfer out of a district under this law, unless the district approves a greater number of transfers.
- d. There is no required appeal process for a transfer that is denied. However, the district that declines to admit a student must provide in writing to the parent/guardian the specific reasons for denying the transfer. (E.C. 48204(b))

A student who has completed grade 10 by June 30, may enroll within the district of enrollment through grades 11 and 12 without any revocation from the desired district, and must be treated the same as any other resident student.

A student who is appealing a decision for an interdistrict permit approval through the County Office of Education may be eligible for provisional admission to the desired district in grades TK through 12, while continuing through the process of appeal, if space is made available by the desired district, not to exceed two months.

Each school district shall post their interdistrict policy agreements and local district caps on their district and/or school websites. Reasons for approval and denial of interdistrict transfer requests must be updated on the district website according to board policies. The County appeals process will be offered with the final denial in writing by the school district. The County appeal process may take up to a maximum of two months. If you have any questions about the interdistrict process, please call the district office at (760) 244-4411.

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

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

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

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

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

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

## **DISCIPLINE**

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

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

**GROUND'S FOR SUSPENSION OR EXPULSION** – Students may be suspended and/or recommended for expulsion for the following offenses:

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

- a. (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or (2) Willfully used force or violence upon the person of another, except in self-defense.
- b. Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- c. Unlawfully possessed, used, sold, or otherwise furnished or been under the influence of a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property.
- g. Stolen or attempted to steal school property or private property.
- h. Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- l. Knowingly received stolen school property or private property.
- m. Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- o. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- p. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
  - q. Engaged in, or attempted to engage in, hazing as defined in Section 245.6 of the Penal Code.
  - r. Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:

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

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

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

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

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

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

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

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

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

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

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

(iii) An act of cyber sexual bullying.

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

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

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

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

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

California Education Code **48900k** (Grades 9 – 12, except as provided in California Education Code 48910)

Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

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

Committed sexual harassment as defined in E.C. Section 212.5 of the Education Code.

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

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

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

Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting



classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

California Education Code **48900.7**

Has made terroristic threats against school officials or school property, or both. For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

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

- (A)
  1. Causing serious physical injury to another person, except in self-defense.
  2. Possession of any knife, or other dangerous object of no reasonable use to the pupil.
  3. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
  4. Robbery or extortion.
  5. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- (C)
  1. Possessing, selling, or otherwise furnishing a firearm.
  2. Brandishing a knife at another person.
  3. Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
  4. Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
  5. Possession of an explosive.

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

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

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

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

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

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

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

## **HEALTH/HEALTH EDUCATION**

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

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

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

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

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

**CONTROLLED SUBSTANCES: OPIOIDS – E.C. 49476** – School authorities must provide facts regarding the risks and side effects of opioid use each school year to athletes. Parents and student athletes must sign acknowledgement of receipt of the document annually.

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

**EXCUSE FROM INSTRUCTION - RELIGIOUS BELIEFS** – By written request of the parent or guardian regarding any part of the instruction in health, family life education, AIDS education, sex education, and child abuse primary prevention program conflicting with the religious training and beliefs of the parent or guardian of any pupil, the pupil shall be excused from the part of the training which conflicts with such religious training and beliefs. (E.C. 51240 and W&I C. 18976.5)

**EXCUSE FROM INSTRUCTION - AIDS/AIDS PREVENTION** – At the beginning of the school year or upon new student enrollment, each parent or guardian shall be notified of the purposes of AIDS prevention instruction and of their right to request copies of Education Code Section 51933 and Section 51934 related to AIDS prevention instruction. This notice will advise the parent or guardian whether the comprehensive sexual health education or HIV/AIDS prevention education will be taught by school district personnel or by outside consultants. If a school elects to provide comprehensive sexual health education or HIV/AIDS prevention education by outside consultants or guest speakers, the notice shall include the date of the instruction, and the name of the organization or affiliation of

each guest speaker. The notice shall further specify that any parent or guardian may request that his/her child not receive AIDS prevention instruction. (E.C. 51938)

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

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

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

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

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

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

**A student not fully immunized may be temporarily excluded from a school or other institution when that child has been exposed to a specified disease and whose documentary proof of immunization status does not show proof of immunization against one of the communicable diseases described above. (Health and Safety Code 120375 and E.C. 48216(b), 49403) Please note: All 7<sup>th</sup> grade students must also provide proof of a pertussis booster. This is also referred to as the TDAP vaccination.**

**INDIVIDUALIZED INSTRUCTION** – Upon providing a physician’s statement that a pupil with a temporary disability which makes attendance in the regular day classes or alternative education program in which the pupil is

enrolled impossible or inadvisable for a minimum period of two (2) weeks, the pupil shall be eligible to receive individual instruction provided by the district in which the pupil is deemed to reside. (E.C. 48206.3) (E.C. 48980 b)

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

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

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

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

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

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

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

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

In order for a pupil to be assisted by a school nurse or other designated school personnel pursuant to subdivision (a), the school district must receive: (1) a written statement from the physician or surgeon detailing the name of the

medication, method, amount, and time schedules by which the medication is to be taken and (2) a written statement from the parent, foster parent, or guardian of the pupil requesting that the school district assist the pupil in the matters set forth in the statement of the physician and surgeon.

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

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

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

**NUTRITION** – Free and reduced price lunches are available to qualifying students. Free and reduced priced applications are available to all students. Notices offering the program to qualified families are sent to the newspaper and unemployment offices. Students who qualify can submit applications at the school offices. (E.C. 49500-49512, E.C. 49520 and E.C. 48980(b)). The Hesperia Unified School District has programs available as prescribed by the Duffy-Moscone Family Nutrition Education and Services Act of 1970. (E.C. 49510-49520)

The Hesperia Unified School District has a Meal Charge Policy about how students who pay the full or reduced cost of a school meal are impacted by not having enough cash on hand or in their account to purchase a meal. The meal charge policy may be viewed at our district website <http://hesperiausd.org/> on the Nutritional Services Department's page or for a copy of the policy, please contact the Nutritional Services Department at (760) 948-1051. (Child Hunger Prevention and Fair Treatment Act of 2017 – EC 49557.5)

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

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

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

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

**SEXUALLY TRANSMITTED DISEASE INSTRUCTION** – If sexually transmitted disease education is offered, the parent or guardians of the pupils enrolled shall be notified in writing of the instructional program. Any written or audiovisual material to be used in the class shall be available for inspection by the parent at reasonable times and places prior to the holding of the course. The parent or guardian may request in writing that his/her child or ward not participate. All public elementary, junior high, and senior high school classes that teach sex education and discuss

sexual intercourse shall emphasize that abstinence from sexual intercourse is the only protection that is 100 percent effective against unwanted teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome (AIDS) when transmitted sexually. All material and instruction in classes that teach sex education and discuss sexual intercourse shall be age appropriate. (E.C. 51934 and E.C. 51938)

## **INSTRUCTION/COUNSELING**

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

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

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

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

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

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

**CHILDREN OF MILITARY FAMILIES EDUCATION** – If you are a military family, your child may qualify to be exempted from local graduation coursework requirements that are beyond the California state requirements. Please make an appointment with the school counselor to review your child’s options for graduation. All coursework that was completed at another school outside of the Hesperia Unified School District will be issued full or partial credit. You may reach the counselor at your child’s school. EC 51225.1 and 51225.2

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

**PROMOTION/RETENTION OF PUPILS** – Parents should be notified when a pupil is identified as being at risk of retention. Notice shall be provided as early in the school year as practicable (E.C. 48070.5). Parents are strongly encouraged to speak with their child’s classroom teacher frequently to ensure that their child is progressing academically. Early intervention is critical to student success. Parents should review graded papers, tests, and homework with your child daily. If you believe that your child is not grasping important concepts, or if you see a

series of poor grades within a subject, contact your child's teacher immediately. Parents can communicate with their child's teacher by writing notes, calling the teacher, and making appointments for a parent/teacher conference. Parents may contact the school office to set up appointments to meet with teachers and administrators to discuss their child's academic progress.

**RIGHTS & RESPONSIBILITIES OF PARENTS/GUARDIANS WITH CHILDREN IN PUBLIC SCHOOL** –

Parents and guardians of pupils have the responsibility to work together in a mutually supportive and respectful partnership with the schools in order to obtain a working agreement for the following rights:

To observe in their child's classroom (upon reasonable notice).

To meet with their child's teacher and the school principal (upon reasonable notice).

To volunteer their time and resources at school.

To be notified on a timely basis if their child is absent from school without permission.

To be notified concerning their child's classroom and standardized test performance.

To request a specific school and/or teacher and to receive a response from the school district. (This does not obligate the school district to grant the request).

To have a safe and supportive learning environment for their child.

To examine curriculum materials of their child's class.

To be informed of their child's progress and appropriate school personnel to contact in the event of problems.

To access student records for their child.

To receive information about the academic performance standards, proficiencies, or skills their child is expected to accomplish.

To be informed in advance about school rules, policies, dress codes, and procedures for visiting the school.

To receive information about any psychological testing of their child and to deny permission for such testing.

To participate as a member of any school site councils or parental advisory councils at the school, in accordance with governing membership.

To question, and receive an answer regarding, items in their child's record that appear inaccurate, misleading, or that invade privacy.

To be notified as early in the year as practical if their child is identified as being at-risk of retention and the right to consult with school personnel regarding any decision to promote or retain and to appeal a decision to promote or retain. (E.C. 51101)

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

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

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

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

## **SPECIAL EDUCATION**

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

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

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

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

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

**INSTRUCTION FOR PUPILS WITH TEMPORARY DISABILITIES – E.C. 48206.3, 48207, 48208** – A pupil with a temporary disability may remain enrolled in the district of residence or charter school and may attend regular classes when not confined to the hospital setting, the total days of instruction may not exceed the maximum of five days with both school settings and attendance may not be duplicated. If necessary, the district of residence may provide instruction in the home for the days not receiving instruction in the hospital setting, depending upon the temporary doctor orders. The supervisor of attendance shall ensure that absences from the regular school program are excused until the pupil is able to return to the regular school program.

An honorary high school diploma which is clearly distinguishable from the regular diploma of graduation may be awarded to a pupil who is terminally ill, from the resident governing school board, a county office of education or a charter school.

**MENTAL HEALTH – EC 49428** – In order to initiate access to available pupil mental health services, you may contact the following mental health provider: San Bernardino County Behavioral Health at (760) 995-8300. This information is made available to you annually through the Parent Rights handout and through our district website at [hesperiausd.org](http://hesperiausd.org).

## **STUDENT RECORDS**

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

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

It is the policy of the District that parents, guardians, or eligible students may examine such records upon request with reasonable notice. Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. Access shall be granted no later than five business days following the date of the request. The parent or guardian of a student may request the principal remove any information recorded in the written records concerning his/her child or ward which he/she alleges to be: inaccurate, and unsubstantiated personal conclusion or inference; a conclusion or inference outside of the observer’s area of competence; or not based on the personal observation of



named person with the time and place of the observation noted. If the principal denies such request, the parent or guardian of a student may file a written request with the Superintendent or designee of the District to remove any such information. If the Superintendent or designee denies the request and refuses to order the removal of the information, the parent or guardian may, within 30 days of the refusal, appeal the decision in writing to the Board of Trustees. The decision of the Board of Trustees will be final. The parent or guardian shall have the right to submit a written statement of his/her objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is removed. (Family Education Rights and Privacy Act of 1974, E.C. 49063, 49069)

The parent or guardian of a student has the right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorized disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interest. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist). A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility (E.C. 49064).

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

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

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

#### **UNIFORM COMPLAINT PROCEDURES**

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

Student and Parent Concerns – Isaac Newman-Gomez, Director of Student Services, at (760) 244-4411, ext. 7233.

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

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

For questions or concerns regarding Title IX, please contact:

Title IX Coordinator – Isaac Newman-Gomez, Director of Student Services, at (760) 244-4411, ext. 7233.

The Hesperia Unified School District annually notifies our its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of the Uniform Complaint Procedures (UCP) process.

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

#### **Programs and Activities subject to the UCP:**

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- Career Technical and Technical Education; Career Technical; Technical Training (State)
- Career Technical Education (Federal)
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods without Educational Content
- Economic Impact Aid
- Education of Pupils in Foster Care, Pupils Who Are Homeless, Former Juvenile Court Pupils Now Enrolled in A School District, and Pupils of Military Families
- Every Student Succeeds Act Local Control and Accountability Plans (LCAP)
- Migrant Education
- Peer Assistance and Review Programs for Teachers
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- Schoolsite Councils
- School Safety Plans
- Special Education
- State Preschool
- Tobacco-Use Prevention Education

### **Pupil Fees**

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, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.

A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees complaint may be filed with the principal of a school or our superintendent or his or her designee. A pupil fees and/or an LCAP complaint may be filed anonymously, however, the complainant must provide evidence or information leading to evidence to support the complaint.

A pupil enrolled in a school in our district shall not be required to pay a pupil fee for participation in an educational activity.

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

### **Additional Information**

We shall 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.

We shall post a notice to identify appropriate subjects of state preschool health and safety issues in each California state preschool program classroom in each school notifying parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the *California Code of Regulations* that apply to California state preschool programs pursuant to *HSC* section 1596.7925 and (2) where to get a form for a state preschool health and safety issues complaint.

### **Contact Information**

The staff member, position, or unit responsible to receive UCP complaints in our agency is:

Isaac Newman-Gomez  
 Director of Student Services  
 15576 Main Street  
 Hesperia, CA 92345  
 (760) 244-4411 extension 7316  
 Isaac.Newman-Gomez@hesperiausd.org

Complaints will be investigated and a written report with a Decision will be sent to the complainant within sixty (60) days from the receipt of the complaint. This time period may be extended by written agreement of the complainant. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with our UCP policies and procedures.

The complainant has a right to appeal our Decision of complaints regarding specific programs and activities subject to the UCP, pupil fees and the LCAP to CDE by filing a written appeal within 15 days of receiving our Decision. The appeal must be accompanied by a copy of the originally-filed complaint and a copy of our Decision.

We advise any complainant of civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of our Uniform Complaint Procedures process shall be available free of charge.

Obtain low cost legal services from the following agencies:

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

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

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

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

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

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

#### MISCELLANEOUS

**DISCRIMINATION** – The Hesperia Unified School District does not discriminate on the basis of age, disability, gender, gender identity, gender expression, marital status, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics, or any other characteristic that is contained in the definition of hate crimes set forth in section 422.55 of the Penal Code, equal rights and opportunities in the educational institutions of the state. (E.C. 200) The District is committed to providing a safe school environment where all individuals in education are afforded equal access and opportunities. The District's academic and other educational support programs, services, and activities shall be free from discrimination, harassment, intimidation, and bullying. The District will notify parents in their native language if the service area contains a community of minority persons with limited English language skills. The District will take steps to assure that the lack of English will not be a barrier to admission and participation in District programs. Complaints of unlawful discrimination, harassment, intimidation, or bullying are investigated through the Uniform Complaint Process. Such complaints must be filed no later than six months after knowledge of the alleged discrimination was first obtained. For a complaint form or additional information, contact Isaac Newman-Gomez, Director of Student Services at (760) 244-4411 ext. 7233. (Title VI, Civil Rights Act of 1964 & Title IX, Educational Amendment Act of 1972, E.C. 51101.1)

**EDUCATIONAL EQUITY: IMMIGRATION STATUS: E.C. 66251, 66260.6, 66270, and 66270.3** – The Equity in Higher Education Act, states that all persons, regardless of their disability, gender, gender identity, gender expression, nationality, race

or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities and adds this opportunity to apply for financial aid for higher education to also be equitable, and an application may not be denied of a student based on their immigration status. This does not guarantee any final eligibility, but simply an ability to apply for financial aid just like any other student, without discrimination.

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

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

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

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

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

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

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

**FEDERAL STUDENT AID – E.C. 51225.8** – Under state law, school districts are to ensure that students prior to entering 12<sup>th</sup> grade are entitled to information on how to properly complete and submit the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application at least once. This information should be available in a timely manner as financial aid is awarded in order of submission according to deadlines, on a first-come, first served basis. All family and student personal information will be protected according to state and federal privacy laws and regulations.

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

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

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

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

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

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

**MIGRANT AND NEWLY ARRIVED IMMIGRANT PUPILS: GRADUATION REQUIREMENTS AND CONTINUED EDUCATION OPTIONS – E.C. 51225.1 and 51225.2** – Notice shall be provided in language that the parent and student understand within 30 days of migration: When a pupil completes the state minimum coursework requirements and becomes eligible for a diploma, to notify the pupil, the educational rights holders all of the following: The pupil's right to a diploma issued by the school district of residence if he or she completed the graduation requirements for high school student who transferred in their 3<sup>rd</sup> or 4<sup>th</sup> year of high school from another country or other school district. The school district of residence shall issue to the pupil a diploma from the school the pupil last attended after the transfer and accept coursework satisfactorily from the school previously attended, as well as from a country other than the United States. The district or charter school will explain how taking coursework and other requirements adopted by the governing board or charter school or continuing education upon transfer will affect the pupil's ability to gain admission to a postsecondary educational institution. Information about transfer opportunities available through the California Community Colleges. The pupil's or the education rights holder's, as applicable, option to allow the pupil to take additional coursework for a 5<sup>th</sup> year of high school toward an achievable diploma requirement. If the district or charter school fails to provide timely notice, the pupil shall be eligible for the diploma once notified, even if that notification occurs after the initial transfer. In addition the statewide minimum course work and other requirements adopted by the governing board of the district or charter school shall do both of the following: Inform the pupil of his or her option to take coursework and other requirements adopted by the governing board. Permit the pupil, upon agreement with the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, upon agreement with the person holding the right to make educational decisions for the pupil, to take coursework or other requirements adopted by the governing board, to take additional coursework for a 5<sup>th</sup> year of high school. Advise the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, the person holding the right to make educational decisions for the pupil, to consider enrollment in a school operated by the local educational agency or charter school, benefit from continued instruction, and graduate from high school with a valid diploma. If a pupil participating in a newcomer program is exempted from local graduation requirements, the exemption shall continue to apply after the pupil no longer meets the definition of a "pupil participating in a newcomer program" while he or she is enrolled in school or if the pupil transfers again to another school, including a charter school, or school district during the 3<sup>rd</sup> or 4<sup>th</sup> year of high school. Students and parents of migratory children shall not request a transfer solely to qualify for this exemption.

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

**PARENT ENGAGEMENT – SCHOOL ACCOUNTABILITY – EC 11500, 11501, 11502, 11503** – To participate in the district offerings of parent education and to provide parental input to the local training programs for parents, please contact the following district representative for more information on how you may contribute: Alex Cristales, Director of PK-12 Programs and Monitoring at (760) 244-4411 extension 7263.

**PREGNANT AND PARENTING PUPILS – EC 221.51, 222.5, 46015, 48205, and 48980** – The governing board of the Hesperia Unified School District will treat both the pregnant teen mother and the teen father with the same accommodations, regardless of sex. The teen parents may not be excluded from any class or extracurricular activities, solely on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or post-partum recovery. Physical and emotional ability to continue may only be determined by physician or nurse practitioner. Pregnant or parenting pupils may not be required to participate in pregnant minor programs or alternative programs, with the exception of personal choice.

Parental rights will be an option available in annual notifications or at semester term periods, welcome packets, orientation, online or in print, or in independent study packets as provided to all regular students from school districts or charter schools.

Parental leave for eight weeks for preparation of birth of infant, post-partum for mental and physical health needs of the teen parents and to bond with infants, or any additional medically approved time to protect the infant or parents is allowed. Any additional time due if deemed medically necessary, as prescribed by physician or nurse practitioner. The pregnant and parenting teens are not required to take all or part of the leave to which they are entitled. Leave will be approved by the district or charter

school supervisor of attendance, as excused absence, with a unique code similar to independent study. However, no work is required during the leave. Upon return, the parenting teens are entitled to return to the school courses that were in enrolled before taking leave. Make up plans and re-enrollment will be worked out with the school counselor or administrator to achieve an opportunity to fully participate in all activities, as before leave. If needed, parenting teen may enroll for a fifth year of instruction if on course for graduation requirements. If parenting teens were enrolled in an alternative school setting, a return to that environment is to be available as needed to achieve graduation. A pupil shall not incur any academic penalties due to using these available accommodations.

An illness for sick child does not require a doctor note for the custodial parenting teens; the mother or father will be excused by the attendance supervisor.

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

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

**SEXUAL HARASSMENT- HESPERIA UNIFIED SCHOOL DISTRICT – BOARD POLICY 5145.7**

The Governing Board is committed to maintaining 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, District compliance officer, or designee. Once notified, the principal, compliance officer, or designee, shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

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's 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 and where to obtain a copy of the 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.

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.

### 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.

#### 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  
Ona 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

**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>

**SEXUAL HARASSMENT- HESPERIA UNIFIED SCHOOL DISTRICT – ADMINISTRATIVE REGULATION 5145.7**

The District designates the following individual as the responsible employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer may be contacted at:

Isaac Newman-Gomez, Director of Student Services

15576 Main Street, Hesperia, CA 92345

(760) 244-4411

Isaac.Newman-Gomez@hesperiausd.org

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

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

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

1. Unwelcome leering, sexual flirtations, or propositions.



2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body or overly personal conversation.
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature.
5. Spreading sexual rumors.
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class.
7. Massaging, grabbing, fondling, stroking, or brushing the body.
8. Touching an individual's body or clothes in a sexual way.
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex.
10. Displaying sexually suggestive objects.
11. Sexual assault, sexual battery, or sexual coercion.
12. Electronic communications containing comments, words, or images described above.

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

#### Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal, district compliance officer, or designee. The employee shall take these actions, whether or not the alleged victim files a complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the principal shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/she determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the principal, compliance officer, or designee shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal, compliance officer, or designee shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer or designee to initiate investigation of the complaint. The compliance officer or designee shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee who shall determine who will investigate the complaint.

### Confidentiality

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

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer or designee shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

### Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer or designee, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer/designee shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

### Notifications

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

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

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

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, 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, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5131 - Conduct)  
(cf. 5131.2 - Bullying)  
(cf. 5145.7 - Sexual Harassment)  
(cf. 5146 - Married/Pregnant/Parenting Students)  
(cf. 6164.6 - Identification and Education Under Section 504)

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct that is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)  
(cf. 1330 - Use of Facilities)  
(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 6145 - Extracurricular and Cocurricular Activities)  
(cf. 6145.2 - Athletic Competition)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)  
(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))  
(cf. 5145.2 - Freedom of Speech/Expression)

#### Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination  
48900.3 Suspension or expulsion for act of hate violence  
48900.4 Suspension or expulsion for threats or harassment  
48904 Liability of parent/guardian for willful student misconduct  
48907 Student exercise of free expression  
48950 Freedom of speech  
48985 Translation of notices  
49020-49023 Athletic programs  
51500 Prohibited instruction or activity  
51501 Prohibited means of instruction  
60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

PENAL CODE

422.55 Definition of hate crime  
422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Student record  
4600-4670 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972  
12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information  
100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.8 Designation of responsible employee for Title IX  
106.9 Notification of nondiscrimination on basis of sex  
110.25 Prohibition of discrimination based on age

COURT DECISIONS

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

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

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016  
Dear Colleague Letter: Title IX Coordinators, April 2015  
Dear Colleague Letter: Harassment and Bullying, October 2010  
Notice of Non-Discrimination, Fact Sheet, August 2010  
WEB SITES

CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov>  
California Safe Schools Coalition: <http://www.casafeschools.org>  
California Office of the Attorney General: <http://oag.ca.gov>  
First Amendment Center: <http://www.firstamendmentcenter.org>  
National School Boards Association: <http://www.nsba.org>  
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

**NONDISCRIMINATION/HARASSMENT- HESPERIA UNIFIED SCHOOL DISTRICT – ADMINISTRATIVE REGULATION 5145.3**

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student'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, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Isaac Newman-Gomez, Director of Student Services  
Phone: (760) 244-4411 ext. 7233  
Email: [Isaac.newman-gomez@hesperiausd.org](mailto:Isaac.newman-gomez@hesperiausd.org)

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.3 - Uniform Complaint Procedures)

**Measures to Prevent Discrimination**

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them on the district's web site and other prominent locations and providing easy access to them through district-supported social media, when available.

2. Post in a prominent and conspicuous location on the district and school web sites information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.61)

a. The name and contact information of the district's Title IX coordinator, including the phone number and email address

b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

c. A description of how to file a complaint of noncompliance with Title IX in accordance with AR 1312.3 - Uniform Complaint Procedures, which shall include:

1)An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

2)An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site

3)A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

(cf. 1113 - District and School Web Sites)

3. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

4. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

(cf. 5145.6 - Parental Notifications)

5. The Superintendent or designee shall ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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

6. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

7. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

8. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

### Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment

(cf. 4112.6/4212.6/4312.6 - Personnel Records)

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

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that he/she knew was not true

(cf. 5144 - Discipline)

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

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

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

#### Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, he/she shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

#### Transgender and Gender-Nonconforming Students

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender he/she was assigned at birth.

Regardless of whether they are sexual in nature, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited. Examples of the types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity.
2. Disciplining or disparaging a student or excluding him/her from participating in activities for behavior or appearance that is consistent with his/her gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable.
3. Blocking a student's entry to the restroom that corresponds to his/her gender identity.
4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex.
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent.
6. Use of gender-specific slurs.
7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression.

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

**1. Right to privacy:** A student's transgender or gender-nonconforming status is his/her private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within a reasonable time.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)



2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion of his/her gender identity and begin to treat the student consistent with his/her gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.

3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify and develop strategies for ensuring that the student's access to education programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents. Such preferred name may be added to the student's record and official documents as permitted by law.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress and Grooming)

### **BULLYING- HESPERIA UNIFIED SCHOOL DISTRICT – BOARD POLICY 5131.2**

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

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

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

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

### **Bullying Prevention**

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

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

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

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

### **Intervention**

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

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

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

### **Complaints and Investigation**

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. The Superintendent or designee may establish other processes for students to submit anonymous reports of bullying. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7.

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

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

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

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

### **Discipline**

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with District Board Policies and Administrative Regulations.

#### *Legal Reference:*

##### EDUCATION CODE

200-262.4 *Prohibition of discrimination*

32282 *Comprehensive safety plan*

35181 *Governing board policy on responsibilities of students*

35291-35291.5 *Rules*

48900-48925 *Suspension or expulsion*

48985 *Translation of notices*

##### PENAL CODE

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

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

653.2 *Electronic communication devices, threats to safety*

##### UNITED STATES CODE, TITLE 47

254 *Universal service discounts (e-rate)*

##### COURT DECISIONS

*J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094*

*Lavine v. Blaine School District, (2002) 279 F.3d 719*

#### *Management Resources:*

##### CSBA PUBLICATIONS

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

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

*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*

##### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008*

*Bullying at School, 2003*

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

*Dear Colleague Letter: Harassment and Bullying, October 2010*

##### WEB SITES

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

California Cyber safety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

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

### **BULLYING- HESPERIA UNIFIED SCHOOL DISTRICT – ADMINISTRATIVE REGULATION 5131.2**

#### Definitions

Bullying is an unwanted, aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and involves repetition or potential repetition of a deliberate act.

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 6163.4 - Student Use of Technology)

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures.
2. Verbal bullying that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm.
3. Social/relational bullying that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public.
4. Cyberbullying, such as sending demeaning or hateful text messages or emails, sending rumors by email or by posting on social networking sites, or posting embarrassing photos, videos, web site, or fake profiles.

#### Measures to Prevent Bullying

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate.

(cf. 5131 - Conduct)

2. Providing to students, through student handbooks and other age-appropriate means, information about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.
3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously.
4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.
5. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so.

#### Staff Development

The Superintendent or designee shall make the California Department of Education's online training module on the dynamics of bullying and cyberbullying, which includes the identification of bullying and cyberbullying and the implementation of strategies to address bullying, available annually to all certificated staff and to other employees who have regular interaction with students. (Education Code 32283.5)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

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

5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.

#### Student Instruction

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

(cf. 6142.8 - Comprehensive Health Education)

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

#### Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

(cf. 1312.3 - Uniform Complaint Procedures)

Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

#### Discipline/Corrective Actions

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

(cf. 5144 - Discipline)

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

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

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

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

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

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.

(cf. 5141.52 - Suicide Prevention)

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

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

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

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

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

**SCHOOL SAFETY: BULLYING – E.C. 234.4 and 32283.5** – The Hesperia Unified School District is committed to the prohibition of discrimination, harassment, intimidation, and bullying. Annual training will be provided to all staff who work with students, to prevent bullying and cyberbullying. You may find a list of education web pages describing the staff training at: <https://www.cde.ca.gov/ls/ss/se/bullyres.asp> If you or your child should experience any bullying on campus, at school events, or on the way to or from school, please contact your child’s school to assist you in identifying and stopping this behavior.

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

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

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

**(Revised 05/2020)**