

# **HESPERIA UNIFIED SCHOOL DISTRICT PARENT AND STUDENT HANDBOOK 2020 – 2021**



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# WELCOME

Welcome to the Hesperia Unified School District. We are committed to ensuring ALL students receive the best education possible to prepare today's students for tomorrow's world. This does not just mean being literate and graduating from high school, but acquiring deep levels of learning and the skills necessary to be successful in an increasingly complex world. We want all of our students to graduate from our schools with many opportunities to fulfill their goals and thrive, whether they decide to pursue college, the military, employment, or other endeavors. No matter what our students decide when they graduate, they will need the skills to continue learning in order to be successful in anything they choose. We want our students to be individuals of character and integrity, and to be contributing members of our community.

To that end, Hesperia Unified School District strives to provide the most innovative learning environments for our students to develop critical thinking and communication skills, be able to collaborate effectively, and to be creative in their approach to learning. To succeed in this most important goal of preparing our students for their future, we all need to work together. This handbook provides parents with important information regarding the operation of our schools. I encourage you to familiarize yourself and your children with this information so that we can work together for their success.

Thank you for entrusting your children with us for their educational needs. We look forward to working with you.

David Olney  
Superintendent

# HESPERIA UNIFIED SCHOOL DISTRICT DIRECTORY

ADDRESS	CITY	PHONE	SUPERINTENDENT
15576 Main St.	Hesperia	(760) 244-4411	David Olney

## ELEMENTARY (TK-6)

SCHOOL	ADDRESS	CITY	PHONE	PRINCIPAL
Carmel	9321 Glendale Ave.	Hesperia	(760) 947-3188	Craig Gunter
Cottonwood	8850 Cottonwood Ave.	Hesperia	(760) 949-1390	Renee Singer
Cypress	10365 Cypress Ave.	Hesperia	(760) 949-2596	Pamela Seeger
Eucalyptus	11224 10th Ave.	Hesperia	(760) 949-0815	Chris Mauger
Hollyvale	11645 Hollyvale Ave.	Victorville	(760) 947-3484	Shannon Erath
Joshua Circle	10140 8th Ave.	Hesperia	(760) 244-6133	James Elgan
Juniper	9400 "I" Ave.	Hesperia	(760) 244-6161	Theresa Kallenberger
Kingston	7473 Kingston Ave.	Hesperia	(760) 244-8869	Ben Skinner
Krystal	17160 Krystal Dr.	Hesperia	(760) 948-3611	Shannon Garibay
Lime Street	16852 Lime St.	Hesperia	(760) 244-0512	Eric Land
Maple	10616 Maple Ave.	Hesperia	(760) 244-3096	Tabitha Foraker
Mesa Grande	9172 Third Ave.	Hesperia	(760) 244-3709	Tom Kirk
Mesquite Trails	13884 Mesquite St.	Hesperia	(760) 949-3149	Matt Sheffield
Mission Crest	13065 Muscatel St.	Hesperia	(760) 949-8265	Ryan Plescia
Topaz	14110 Beech St.	Hesperia	(760) 244-4622	Karen Prestwood

## SECONDARY (7-12)

SCHOOL	ADDRESS	CITY	PHONE	PRINCIPAL
Canyon Ridge High (9-12)	12850 Muscatel St.	Hesperia	(760) 244-6530	Scott Ahlgren
Cedar Middle (7-8)	13565 Cedar St.	Hesperia	(760) 244-6093	Kelly Maxwell
Hesperia Community Day (7-12)	16527 1/2 Lemon St.	Hesperia	(760) 948-3999	Danny Polmounter
Hesperia High (9-12)	9898 Maple Ave.	Hesperia	(760) 244-9898	Michael Everett
Hesperia Jr. High (7-8)	10275 Cypress Ave.	Hesperia	(760) 244-9386	Faysel Bell
Mojave High (9-12)	16633 Lemon St.	Hesperia	(760) 948-3999	Danny Polmounter
Oak Hills High (9-12)	7625 Catapa Rd.	Oak Hills	(760) 244-2283	Michael Capps
Ranchero Middle (7-8)	17607 Ranchero Rd.	Hesperia	(760) 948-0175	Alicia Bonnett
Sultana High (9-12)	17311 Sultana St.	Hesperia	(760) 947-6777	Larry Bird

## INDEPENDENT STUDY

SCHOOL	ADDRESS	CITY	PHONE	PRINCIPAL
Shadow Ridge (K-12)	15776 Main St. Ste #5	Hesperia	(760) 949-8267	Olga Fisher

## ADULT EDUCATION

SCHOOL	ADDRESS	CITY	PHONE	COORDINATOR
Hesperia Adult Ed	16527 Lemon St.	Hesperia	(760) 244-1771	Kim Walker

# ATTENDANCE

## **PHILOSOPHY STATEMENT OF THE BOARD OF EDUCATION**

Regular attendance and punctuality are essential if a student is to receive maximum benefit from an instructional program. Absence and tardiness are counter-productive to educational success. In addition, students who are absent from or tardy to class infringe upon the rights of those students in attendance and their teachers by disrupting the normal flow of an instructional program and by causing teachers to unnecessarily repeat and review information and material previously covered. Even though it is possible for students to make up much of the work missed due to absence, it is impossible to completely compensate for loss of classroom time.

For these reasons, it is essential that students attend school on a regular basis, and absences result from legitimate and compelling reasons only. A concerted effort should be made by students, parents/ guardians, and school officials to schedule as few appointments and activities as possible that interfere with school attendance and class schedules.

A student will be marked absent by each teacher at any time he/she is not present in a scheduled class. Acceptable reasons for excused student absence as per Education Code 48205 are as follows:

- 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, optometric, or chiropractic services rendered.
  - 4. For the purpose of attending the funeral services of a member of his or her immediate family, relatives of the pupil, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California. \*Immediate family is defined as all who live in the household.
  - 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, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
  - 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 Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent or designee 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 the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
- C. For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
- D. Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
- E. "Immediate family," as used in this section, has the same meaning as set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."



When a student returns after an absence, he/she must bring a written note from a parent or guardian or have the parent or guardian phone the Attendance Office. When placing a call, please indicate the name of the student, the date, the period(s) of absence, and the reason for the absence.

Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse three (3) days in one school year or tardy without valid excuse in excess of 30 minutes on each of more than three days in one school year is a truant and shall be reported to the attendance supervisor or the superintendent of the school district. E.C. 48260 Definition of a Truant: A student absent because of illness for five (5) or more consecutive days may be required to submit a doctor's letter to substantiate that the absence is excused.

### **ABSENCES**

Please contact the school attendance office the day your child is absent. If you are unable to do so, please send a note signed by the parent/guardian stating the date and reason for the absence on the first day the student returns to school. More than three unexcused absences are considered truant.

**Note:** Seven (7) excused absences is considered to be excessive. Education Code § 48260 – Any pupil subject to full-time education or to compulsory education who is absent from school without valid excuse more than three days or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or the superintendent of the school district. Parents are responsible for a child's attendance from age 6 until age 18 (EC § 48200).

### **ATTENDANCE**

Regular school attendance is expected and required for an effective learning program and school success. All absences and tardies may be reviewed by the School Attendance Review Board (SARB). It is essential that your child is present every day of the school year in order to receive the maximum benefits of the educational program we offer at our schools. The state of California defines chronic absenteeism as any student missing 10% or more of the school year.

### **ATTENDANCE NOTIFICATIONS**

Each time a letter is generated, the attendance supervisor is notified. Attendance letters are generated after each of the following absences occur.

#### Excessive Excused Absences:

Letter 1: sent at 7 excused absences

Letter 2: sent at 10 excused absences

#### Tardy:

Letter 1: sent at 5 tardies

Letter 2: sent at 10 tardies

#### Truancy:

Letter 1: sent at 3 full days of unexcused absences and/or 3 tardies of 30 minutes or more

Letter 2: sent at 6 full days of unexcused absences and/or 6 tardies of 30 minutes or more

Letter 3: sent at 9 full days of unexcused absences and/or 9 tardies of 30 minutes or more

After 10 full days of unexcused absences and/or 10 tardies of 30 minutes or more, a student is classified as a habitual truant and subject to a summons to appear at a SARB hearing.

\*For secondary students (7<sup>th</sup>-12<sup>th</sup> grade), period absences can accumulate to equal a full day absence

### **COLLABORATIVE WEDNESDAYS**

Every Wednesday, our elementary schools dismiss approximately one hour early while our secondary schools start approximately one hour later. This is to provide time for our teachers and other staff members to work together to help increase the overall effectiveness of our educational programs. Please remember that this occurs **every Wednesday**. For more information, please contact your child's school site.

## **EARLY SIGN OUT**

All students leaving school during the school day for any reason must be signed out in the office by an adult listed on the emergency card. Please be ready to show identification upon signing out your student. Students returning to school later the same day must check back in the office before returning to class. If you are planning to sign your student out, you must do so at least 30 minutes prior to the end of the school day.

## **INDEPENDENT STUDY CONTRACTS**

On those occasions when a family emergency or vacation occurs during the regular school session, parents should request an Independent Study Contract (ISC) for those days so that attendance credit is earned. Prior notice is necessary and your child must be gone for at least 5 school days. Please contact the school attendance specialist at least 5 days prior to the absence so that the study packet can be prepared for you. If an independent study contract is provided, it should be noted that it will be 240 minutes' worth of instructional material per day of the contract. Additionally, all work must be returned to the school to receive attendance credit. Students who have an Individualized Education Program (IEP) are not eligible to receive an independent study contract due to specific special education services.

## **SCHOOL ATTENDANCE REVIEW BOARD (SARB)**

At a School Attendance Review Board (SARB) Hearing, the members will ask the parent and the student to sign an attendance contract. Failure to comply with the contract will result in the order of a citation to appear in court.

1. 1<sup>st</sup> Conviction: a fine of not more than \$100.00 plus penalties could amount to as much as \$500.00.
2. 2<sup>nd</sup> Conviction: a fine of not more than \$250.00 plus penalties could amount to as much as \$1,000.00.
3. 3<sup>rd</sup> or subsequent convictions: a fine of not more than \$500.00 plus penalties could amount to \$1,500.00.

**Penal Code 272** Failure to enroll your student in an approved educational program could result in a \$2,500.00 fine.

## **TARDIES**

Responsible behavior includes being on time and ready to enter the classroom on time. All students arriving late must check in at the office before going to class. School tardy policies vary by site, please contact the school site to verify their policy.

# **BULLYING**

## **HAZING**

In many respects, hazing is similar to bullying, but hazing has a tendency to be an institutionalized form of harassment/intimidation centering on initiation rites connected to certain school clubs and activities.

Hazing can be seen as an organized form of bullying. One difference between these behaviors is that bullying typically attempts to exclude a person from the bully's activities while hazing is often a condition of acceptance or initiation into a group.

While bullying may begin in early elementary school, hazing generally does not occur until children are older. As with bullying, however, hazing may involve a ringleader and bystanders who do nothing to stop the activity.

In order to prevent both bullying and hazing, it is important to begin when children are young. Parents, families and elementary schools can explain what and how harmful bullying is to the victim, classroom, school, and community at large. Bullying and hazing should always be seen in the context of respect for self, respect for others.

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

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/lss>*

*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>*

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

### **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)

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California

Regulation Adopted: September 9, 2019

## **COMMUNICATION AND INFORMATION TECHNOLOGY**

### **CELL PHONE AND ELECTRONIC SIGNALING DEVICES**

Cell phones and electronic devices are not to be used during school hours. Recording or taking pictures of fellow students is not permitted.

The following is the District's Board Policy (BP 5131) regarding "Electronic Signaling Devices and Cell Phones:"

The Governing Board recognizes that the use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, but could be disruptive of the instructional program in some circumstances. The Board permits limited use of mobile communication devices on campus in accordance with law and the following policy.

Students may use cell phones, smart watches, pagers, or other mobile communication devices on campus during non-instructional time as long as the device is utilized in accordance with law and any rules that individual school sites may impose.

Mobile communication devices shall be turned off during instructional time. However, a student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: (Education Code 48901.5, 48901.7)

1. In the case of an emergency, or in response to a perceived threat of danger
2. When a teacher or administrator grants permission to the student to possess or use a mobile communication device, subject to any reasonable limitation imposed by that teacher or administrator



3. When a licensed physician or surgeon determines that the possession or use is necessary for the student's health and well-being
4. When the possession or use is required by the student's individualized education program

Smartphones and other mobile communication devices shall not be used in any manner which infringes on the privacy rights of any other person.

When a school official reasonably suspects that a search of a student's mobile communication device will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

When a student uses a mobile communication device in an unauthorized manner, the student may be disciplined and a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

A student may also be subject to discipline, in accordance with law, Board policy, or administrative regulation, for off-campus use of a mobile communication device which poses a threat or danger to the safety of students, staff, or district property or substantially disrupts school activities.

The Superintendent or designee shall inform students that the district will not be responsible for a student's mobile communication device which is brought on campus or to a school activity and is lost, stolen, or damaged.

### **COMMUNICATION WITH STAFF**

All parents are encouraged to work closely with school personnel to promote the education of their students. The student's teacher(s) are knowledgeable about progress in academic and social areas and should be contacted if information is needed about the classroom. The site administrators are also available to discuss any concerns about a student's education. Each Hesperia Unified School District staff member has an email address in which you can contact them. All HUSD staff email addresses are First name.Last name@hesperiausd.org (i.e. John.Smith@hesperiausd.org). You may also contact the school site for other programs or apps that they may be utilizing for communication purposes.

The District has implemented a District-wide calling system to notify parents of school activities and emergencies at the school site. Each school will have the ability to customize the system and messages to parents to meet site needs. If you do not want to participate in this program, please notify the school site.

### **DIGITAL CITIZENSHIP AND SOCIAL MEDIA EXPECTATIONS**

Hesperia Unified School District encourages families to discuss the potential dangers and negative effects of social media and the internet with their children. Digital citizenship includes proper use of district issued Chromebook and all students are provided a Technology Use Agreement before checking out a Chromebook. For more information and resources about digital citizenship, please visit [www.common sense.org](http://www.common sense.org).

#### **Tips for Social Media Safety**

- ✓ Set Rules: Create social media ground rules your child must follow. Enforce consequences for breaking rules.
- ✓ Have Limits: Set age limits for social media sites and time limits for usage on them.
- ✓ Know Passwords: Get passwords for your child's phone and all email and social media accounts.
- ✓ Monitor Use: "Friend" or "follow" your child on social media and check in often. Also, look into software that tracks and limits your child's usage.
- ✓ Talk Dangers: Remind your child that everyone is a stranger online, and no one can be trusted.
- ✓ Reputation Matters: Explain that once something is posted or shared online or via text, your child cannot get it back. Future college administrators and employers may see or find it.
- ✓ Social Media Central: Keep smart devices in central locations and not in the privacy of a bedroom.
- ✓ Protect Private Info: Teach your child never to give out personal information, even for free samples or contests. Review photos your child wants to post to ensure they're harmless with no identifiable locations.
- ✓ Lead by Example: Limit your time on social media and keep your tone respectful, and your child will follow your example.



## **DISTRICT AND SCHOOL WEBSITES**

Hesperia Unified School District maintains a website, [hesperiausd.org](http://hesperiausd.org), which provides parents with a variety of information and resources. On the HUSD website there are links to each of our school's website. Please remember any official messaging regarding a situation at your school will come from Hesperia Unified School District or your school site. Please contact your student's school for official information. Unfortunately, there may be social media posts about school issues that are false. Please be cautious about information shared on social media as it may cause undue stress and harm to other families, and violate other student's rights.

## **MOBILE APPS**

The Hesperia Unified School District mobile app is designed to provide up-to-date and helpful information about the school district and our schools right in the palm of your hand. So you can now take HUSD anywhere and everywhere. From news updates and announcements to a calendar of events, from documents and forms to staff directories, from breakfast and lunch menus to athletic schedules, the app provides essential information at the touch of a button. Many features on the app allow you to "subscribe" to schools, too, and receive announcements and events right on your device. The Hesperia Unified School District mobile app is designed for Android phones as well as Apple iPhones. To download the app simply visit the App Store or Google Play and search "Hesperia USD, CA," or click the badges in the footer of any Hesperia Unified School District or school website.

## **NEWS, MEDIA ACCESS, AND DISTRICT PUBLICATIONS**

There are many activities and accomplishments that take place in our schools which HUSD staff feel are positive, newsworthy and of interest to the community. District representatives will, from time-to-time, use still photography or videography for the purpose of highlighting student achievements or chronicling classroom/school activities. Those images may be used in informational newsletters, school brochures and other printed material published by HUSD. It is possible that those images might be used on school and/or District Websites and posted to school and/or District social media accounts. They may also be submitted to the news media for possible publication.

Parents sign the authorization and release form sent home with their student to grant permission. In addition, that waiver covers publicizing good news that schools or the District may want to share on HUSD's and their school site Facebook, Twitter or other social media sites or school websites. However, even with a signed form, students can turn down a request to be interviewed or photographed by telling their teacher. This form only covers a student who is on campus. Once they leave the school grounds and are on public property such as the sidewalk, reporters and photographers need no permission to ask questions or take pictures or videos. For this reason, it is best to talk with your child so he or she know your preference in advance, in case they find themselves in this situation.

## **PARENT-TEACHER CONFERENCES**

### **ELEMENTARY (TK-6)**

It is our intent to schedule a formal conference with each parent/guardian once a year in September. These conferences can prove very valuable in helping us work with your child and in providing you with information concerning his/her school progress. Please make every effort to attend these conferences. Due to staff committee meetings and classroom preparation, it is recommended that conferences be scheduled in advance. Teachers are not able to meet with parent/guardians during teaching hours. In addition, teachers may meet with parents periodically to discuss student progress.

### **SECONDARY (7-12)**

We encourage parents to communicate with each of their child's teachers often, and at times a parent teacher conference may be necessary. If you would like to schedule a parent teacher conference, please contact the Counseling Office to set up a conference. Due to staff committee meetings and classroom preparation, it is recommended that conferences be scheduled in advance. Teachers are not able to meet with parent/guardians during teaching hours. In addition, teachers may meet with parents periodically to discuss student progress.

## **STUDENT INFORMATION SYSTEM – INFINITE CAMPUS**

Infinite Campus is a web-based tool that allows parents to view their student's information, including grades, assignments, and attendance. This is a secure application that requires parents to enter a unique login and password for each student. Parents can only view information on their own child/ children. Students will be sent home with directions on how to create and account and login during the first few weeks of the new school year. There is also an app available to download in the Apple

store and Google Play called Infinite Campus Mobile Portal. If you do not receive this notice from your student, please feel free to contact the Front Office if your student attends an elementary school or the Counseling Office if your student attends a secondary school.

### **TECHNOLOGY/INTERNET USE AGREEMENT**

The students and staff in Hesperia Unified School District are encouraged to make innovative and creative use of information technologies in support of education and research. Use of the HUSD network is intended only for educational and curricular objectives. The purpose of this policy is to ensure appropriate, ethical, responsible and legal use of technology within our HUSD community. HUSD teachers and support staff are committed to instruct all students about appropriate use of technology, including the need to protect personal information, online behavior with respect to other individuals, and awareness of and response to cyberbullying. In order to meet this commitment, the district reserves the right to monitor student use of technology at its various sites.

Students and staff should use school and district technology resources in a way that is respectful, honest, and supportive of educational goals. Students are expected to avoid computer activities that interfere in any way with the learning process. Some activities are expressly prohibited by law; other activities are inappropriate as defined by school or district policy. The following rules are intended to clarify expectations for conduct. However, they are not all-inclusive as it is impossible to define every possible student behavior with technology. Students must use technology appropriately and in accordance with all other school rules or policies. The district reserves the right monitor student use of technology at its various sites. Additionally, schools may apply disciplinary consequences for computer-related activities conducted off-campus if such activity adversely affects the safety or well-being of students or other members of the community. (EC 48900-48915)

### **TEXTBOOKS, CHROMEBOOKS, AND LIBRARY BOOKS**

Textbooks/Chromebooks are loaned to students for their use during the school year. Textbooks/Chromebooks that are damaged beyond reasonable wear and tear or lost or stolen will be charged to the student. Any student caught defacing any Textbooks/Chromebooks will be fined and possible administrative action taken. Charges must be paid immediately. Transcripts and grades will be held until all charges are paid in full. Textbooks/Chromebooks are loaned to students and must be used by the student whom they are assigned.

### **THEFT DISCLAIMER**

The Hesperia Unified School District is not responsible for lost or stolen items. The individual student is responsible for his/her personal property and for textbooks, chromebook, or other school items checked out to him/her. We make every attempt to secure and protect all property at our schools, but we are not responsible for any personal property brought to school including clothing, backpacks, musical instruments and/or other equipment. It is recommended that students make sure they secure their P.E. locker. It is also recommended that students do not share lockers or lock combinations with anyone.

### **REPORT CARDS**

#### **ELEMENTARY (TK-6)**

Elementary report cards are prepared two times per year and sent home with the child unless otherwise specified. If you do not want your child's report card sent home with them, please stop by the school's front office to make arrangements to have them mailed home or picked up.

#### **SECONDARY (7-12)**

Secondary report cards are prepared two times per year and are mailed home if the student does not owe any fees. Additionally, progress reports and quarter reports are handed out to the student at the end of each of these terms.

## **EDUCATIONAL SERVICES**

### **CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (CAASPP) – (EC 60604)**

California students take several mandated statewide tests. These tests provide parents/guardians, teachers, and educators with information about how well students are learning and becoming college and career ready. The test results may be used for local, state, and federal accountability purposes. Please note that all state testing was suspended for the 2019-2020 school year. Therefore, students will not have any assessment results reported for this school year.

### **Smarter Balanced Assessment Consortium Assessments**

The Smarter Balanced computer adaptive assessments are aligned with the Common Core State Standards (CCSS). English language arts/literacy (ELA) and mathematics tests are administered in grades three through eight and grade eleven to measure whether students are on track to college and career readiness. In grade eleven, results from the ELA and mathematics assessments can be used as an indicator of college readiness.

### **California Science Tests (CAST)**

The computer-based CAST measures students' achievement of the California Next Generation Science Standards (CA NGSS) through the application of their knowledge and skills of the Science and Engineering Practices, Disciplinary Core Ideas, and Crosscutting Concepts. The CAST is administered to all students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve).

### **California Alternate Assessments (CAAs)**

Only eligible students—students whose individualized education program (IEP) identifies the use of alternate assessments—may participate in the administration of the CAAs. Test examiners administer the computer-based CAAs for ELA, mathematics, and science one-on-one to students. Students in grades three through eight and grade eleven will take the CAA for ELA and mathematics. Test items developed for ELA and mathematics are aligned with the CCSS and are based on the Core Content Connectors.

Students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve) will take the CAA for Science. The CAA for Science embedded performance tasks are based on alternate achievement standards derived from the CA NGSS. Students taking the CAA for Science will take three embedded performance tasks in spring 2019.

### **California Spanish Assessment (CSA) for Reading/Language Arts**

The optional CSA for Reading/Language Arts in Spanish is aligned with the California Common Core State Standards en Español. This computer-based test allows students to demonstrate their Spanish skills in listening, reading, and writing mechanics.

### **Physical Fitness Test**

The physical fitness test for students in California schools is the FitnessGram®. The main goal of the test is to help students in starting lifelong habits of regular physical activity. Students in grades five, seven, and nine take the fitness test.

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

On September 18, 2020, Governor Gavin Newsom signed into law SB 820. SB 820 prescribes that, as a result of the COVID-19 pandemic and the need to comply with state and local health guidelines, the administration of the physical performance test shall be suspended for the 2020–21 school year. Therefore, the PFT will **not** be required to be administered and the CDE will **not** be collecting PFT data for the 2020–21 school year.

## **COLLEGE ADMISSION REQUIREMENTS AND HIGHER EDUCATION INFORMATION**

The State of California offers community colleges, California State Universities (CSU), and Universities of California (UC) for students who wish to continue their education after high school. In order to attend a community college, a student need only be a high school graduate or 18 years of age. In order to attend a CSU, a student must have taken specific high school courses, have the appropriate grades and test scores, and have graduated from high school. Test scores are not required if your GPA is 3.0 or above. In order to attend a UC, a student must meet requirements for coursework, GPA, and test scores, or rank in the top four percent at a participating high school, or qualify by examination alone. A student may also transfer to a CSU or UC after attending a community college.

Assembly Bill 428 requires school districts to provide the following information:

Admission to the University of California (UC) and California State University (CSU) requires a minimum of 150 units or 15 yearlong high school courses (a-g) in the following subject areas:

- English – 4 years
- Math – 3 years/4 recommended
- Science – 2 years/3 recommended
- History – 2 years
- World Language – 2 years/3 recommended
- Visual & Performing Arts – 1 year
- Academic Elective – 1 year

The a-g courses must appear on the official University of California certified course list for the year completed and the school attended. Please refer to the Counseling Office at your high school for an updated a-g course list.

UC/CSU strongly encourage students to complete what is recommended. In addition to a-g course completion, students must take the college admission tests – SAT and/or ACT, and earn a minimum GPA of 3.00 for UC's and 2.00 for CSU's.

For more information on college admission requirements, please refer to the following webpages:

- [www.cccco.edu](http://www.cccco.edu): This is the official website of the California Community College system. It offers links to all of the California Community Colleges.
- [www.assist.org](http://www.assist.org): This interactive site provides course transfer information for students planning to transfer from a California Community College to a CSU or UC.
- [www.csumentor.edu](http://www.csumentor.edu): This website provides information to students and their families on the CSU system, an online application, and links to all CSU campuses.
- [www.universityofcalifornia.edu](http://www.universityofcalifornia.edu): This website provides information regarding admissions, an online application, and links to all UC campuses.

Students may also explore career options through career technical education. These are programs and classes that are specifically focused on career preparation and/or preparation for work. The programs and classes are integrated with academic courses and support academic achievement. Students can learn more about career technical education by referring to the following webpage: [www.cde.ca.gov/ds/si/rp](http://www.cde.ca.gov/ds/si/rp). You may meet with a school counselor to choose courses at your school that will meet college admission requirements or enroll in career technical education courses, or both.

## **COLLEGE ENTRANCE EXAMINATIONS**

College entrance examinations taken during high school identify students whose scores indicate they have the ability to succeed in college. School group results are used to compare students' performance to comparable and national student groups.

1. The Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (P.S.A.T./ N.M.S.Q.T.) is a multiple choice test that measures verbal and mathematical reasoning abilities important to doing college coursework. This test may be taken in 9th, 10th and 11th grade. Students taking this test in their junior year may qualify for the National Merit Scholarship.
2. Scholastic Aptitude Test (S.A.T.), S.A.T. Subject Tests, and American College Testing Assessment (A.C.T.) measure how well students can perform the skills necessary for college coursework. It is strongly recommended that college-bound students take these tests during the spring semester of their junior year and during the fall semester of their senior year.
3. Advanced Placement (A.P.) Examinations: Students may earn college credit while in high school and save tuition dollars by taking A.P. Exams. At some universities, students are exempt from tests required of all entering students if they earn a "3" or above on an A.P. Exam.

## **CONCURRENT ENROLLMENT – SECONDARY (9-12)**

This program is available for all students. It is provided for remediation and enrichment purposes, and also gives the student who is behind in credits a chance to make them up. It also offers the opportunity of completing certain core classes in order to accommodate taking an extra high school class during the normal school day. For further information, contact the Counseling Office at your school.

## **ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS FOR CALIFORNIA (ELPAC)**

The English Language Proficiency Assessments for California (ELPAC) is the required state test for English language proficiency (ELP) that must be given to students whose primary language is a language other than English. State and federal law require that local educational agencies administer a state test of English language proficiency (ELP) to eligible students in kindergarten through grade twelve.

California transitioned from the California English Language Development Test (CELDT) to the English Language Proficiency Assessments for California (ELPAC) in 2017–18. The ELPAC is aligned with the 2012 California English Language Development Standards. It consists of two separate English Language Proficiency (ELP) assessments: one for the initial identification of students as English learners and the other for the annual summative assessment to identify students' English language proficiency level and to measure their progress in learning English.

### **ENGLISH LANGUAGE DEVELOPMENT (E.L.D.)**

English Language Development Program (E.L.D.) is designed to assist students who have language difficulties affecting their academic progress. All students upon enrolling who indicate a language other than English in their educational background will be tested to determine whether they would benefit from a language acquisition program. Further testing and placement in a language acquisition program may result from this testing.

### **FIELD TRIPS**

For safety and insurance reasons, private vehicles and additional children are not allowed on field trips. Additionally, any student who attends a field trip will have an excused absence and therefore can make up any worked missed while attending the field trip. Parent permission will be required for all off-site field trips.

#### **ELEMENTARY (TK-6)**

With the support of the site parent club, school-wide fundraisers may be held to enhance the learning program by providing field trips and classroom resources. If a field trip is scheduled, your child's teacher will inform you of the destination, day, and approximate time of departure and return. Teachers will contact parent volunteers to assist with the field trip by supervising students on the bus and in small groups during the trip. All chaperones must have an approved volunteer form on file with the office. No child will be prohibited from attending a field trip due to lack of funds.

#### **SECONDARY (7-12)**

With the support of ASB, school-wide fundraisers, or other approved organizations, the site enhances the learning program by providing field trips and classroom resources. If a field trip is scheduled, your child's teacher/advisor will inform you of the destination, day, and approximate time of departure and return. Students will need to get approval from all of their teachers prior to attending any field trip. No child will be prohibited from attending a field trip due to lack of funds if the field trip takes place during a school day.

### **GRADUATION REQUIREMENTS**

The Governing Board desires that all students obtain a high school diploma to enable them to take advantage of opportunities for postsecondary education and employment.

#### **Graduation Requirements – Minimum 220 Credits**

##### **English – 40 Credits**

English I – 10 Credits

English II – 10 Credits

English III – 10 Credits

English IV – 10 Credits

##### **Mathematics – 20 Credits**

Integrated I – 10 Credits

Integrated II – 10 Credits

##### **World Language or Visual**

Performing Art – 10 Credits

##### **Social Studies – 30 Credits**

World History – 10 Credits

U.S. History – 10 Credits

American Government – 5 Credits

Economics – 5 Credits

##### **Science – 30 Credits**

Physical Science – 10 Credits

Biology – 10 Credits

One additional year of Physical or Life – 10 Credits

##### **Physical Education – 20 Credits**

##### **Electives – 70 Credits**

To graduate from high school, a student must:

Earn a minimum of: 220 credits; 150 credits in required courses and 70 credits in electives.

Promotion Requirements:

50 Credits – 10<sup>th</sup> Grade  
100 Credits – 11<sup>th</sup> Grade  
150 Credits – 12<sup>th</sup> Grade

## **GENERAL EDUCATION DEVELOPMENT (G.E.D.) TEST**

The General Education Development (G.E.D.) test battery is administered through Pearson Vue. Hesperia Career and Adult Education Center is an authorized Pearson Vue Test Center. The G.E.D. includes four tests that measure the major skills considered to be outcomes of a high school equivalency certificate through the California State Department of Education. The certificate is an official document and is widely accepted for purposes of employment, further education, admission to apprenticeships and other training programs. It is also accepted in lieu of a high school diploma for California State Civil Service positions.

In order to take the test, the following requirements must be met:

1. Students must be a California resident and show a valid government issued ID.
2. Students must be 18 years of age or older or within 60 days of their 18<sup>th</sup> birthday (regardless of school enrollment status).
3. Students are within 60 days of when they would have graduated from high school had they remained in school and followed the usual course of study. (Candidates testing under this criterion may not be enrolled in school).
4. Students are 17 years of age, have been out of school for at least 60 consecutive days, and provide a letter of request for the test from the military, a postsecondary educational institution, or a prospective employer.

Students may not use G.E.D. exam results for credit towards a high school diploma. For further information, please visit [www.ged.com](http://www.ged.com).

## **HESPERIA UNIFIED SCHOOL DISTRICT BOARD POLICY 6171 – TITLE I PROGRAMS**

The Governing Board desires to provide a high-quality education that enables all students to meet challenging state academic standards. In schools with a large number or percentage of economically disadvantaged families, the district shall use Title I funds to provide services that strengthen the academic program and provide support to students at risk of failing to achieve academic standards.

*(cf. 6011 - Academic Standards)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.51 - State Academic Achievement Tests)*

Title I funds shall be used to supplement, not supplant, funds available from state and local sources for the education of students participating in Title I programs. (20 USC 6314, 6321)

Descriptions of how the district will address the required components of the Title I local educational agency plan, as specified in 20 USC 6312, shall be included within the district's control and accountability plan (LCAP), the LCAP Federal Addendum, or another document. School-level strategies shall be aligned with the district's plan and be tailored to the specific needs of the students at the school.

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0460 - Local Control and Accountability Plan)*

In addition, the district and each school receiving Title I funds shall develop a written parent/guardian and family engagement policy in accordance with 20 USC 6318.

*(cf. 6020 - Parent Involvement)*

### **Comparability of Services**

In schools receiving Title I funds, state and local funds shall be used to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds or, if all district schools are receiving Title I funds, that



are substantially comparable in each school. Comparability may be determined on a school-by-school basis or by grade span. (20 USC 6321)

To demonstrate comparability of services among district schools, the district shall:

1. Adopt and implement a districtwide salary schedule
2. Ensure equivalence in teachers, administrators, and other staff, as measured by either or both of the following:
  - a. The ratio of students to instructional staff at each Title I school within a grade span, which shall not exceed 110 percent of the average ratio for all non-Title I district schools within that grade span
  - b. Salary expenditures for instructional staff at each Title I school, which shall be no less than 90 percent of the average salary expenditure across non-Title I district schools.
3. Ensure equivalence in the provision of curriculum materials and instructional supplies, by determining whether the per-student expenditure of state and local funds for curriculum materials and instructional supplies in Title I schools is between 90 and 110 percent of the districtwide average
4. Determine whether the amount of state and local funds allocated per student for each grade span is between 90 and 110 percent of the per student average for each grade span in non-Title I schools

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

In determining comparability, the district shall not include staff salary differentials for years of employment. The district also may exclude unpredictable changes in student enrollment or personnel assignments that occur after the beginning of the school year, state and local funds expended for language instruction educational programs, state and local funds expended for the excess costs of providing services to students with disabilities, and supplemental state or local funds expended in any school attendance area or school for programs that specifically meet the intent and purposes of Title I. (20 USC 6321)

The Superintendent or designee shall annually assess comparability in accordance with the above criteria and maintain records documenting the district's compliance. If any instances of noncomparability are identified, the Superintendent or designee shall promptly implement adjustments as needed to ensure comparability.

### **Participation of Private School Students**

The district shall provide or contract to provide special educational services, instructional services (including evaluations to determine the progress being made in meeting students' academic needs), counseling, mentoring, one-on-one tutoring, or other Title I benefits to eligible private school students residing in a participating school attendance area. Such services and benefits shall be provided on an equitable basis in comparison to services and other benefits for public school students. (20 USC 6320, 7881)

### **Program Evaluation**

The Board shall regularly monitor the progress of economically disadvantaged and low-achieving students in Title I schools. During the annual evaluation of the district's progress toward achieving each goal identified in the LCAP or other planning document addressing 20 USC 6312, the Board shall review disaggregated data on academic achievement, school attendance, and other outcomes for such students and shall ensure that strategies are revised as necessary to support continuous improvement.

*(cf. 0500 - Accountability)*

*(cf. 6190 - Evaluation of the Instructional Program)*



*Legal Reference:*

EDUCATION CODE

11503 Parent involvement programs in Title I schools

52060-52077 Local control and accountability plan

54420-54425 State Compensatory Education

64001 Single plan for student achievement, consolidated application programs

UNITED STATES CODE, TITLE 20

6301 Program purpose

6311-6322 Improving basic programs for disadvantaged students, including:

6312 Local educational agency plan

6313 Eligibility of schools and school attendance areas; funding allocation

6314 Title I schoolwide programs

6315 Targeted assistance schools

6318 Parent and family engagement

6320 Participation of private school students

6321 Comparability of services

6333-6335 Grants to local educational agencies

6391-6399 Education for migrant students

7881 Participation of private school students

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.73 Improving basic programs for disadvantaged students

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Frequently Asked Questions About Title I Schoolwide Programs

Local Control and Accountability Plan Federal Addendum Template

Meeting Title I, Part A Comparability Requirements, October 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act, Non-Regulatory Guidance, November 21, 2016

Title I Fiscal Issues, Non-Regulatory Guidance, February 2008

Designing Schoolwide Programs, Non-Regulatory Guidance, March 22, 2006

Title I Services to Eligible Private School Students, October 17, 2003

WEB SITES

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

California Department of Education: <https://www.cde.ca.gov/sp/sw>

U.S. Department of Education: <http://www.ed.gov>

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California

Policy adopted: August 5, 2019

## **HESPERIA UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION 6171 – TITLE I PROGRAMS**

### **Schoolwide Programs**

A school may operate a Title I schoolwide program in order to upgrade the entire educational program of the school when at least 40 percent of the students in the school attendance area, or at least 40 percent of the students enrolled in the school, are from low-income families. (20 USC 6314; 34 CFR 200.25)

A school that does not meet these criteria may operate a Title I schoolwide program if it receives a waiver from the California Department of Education. (20 USC 6314)

Any school operating a schoolwide program shall develop a comprehensive plan with the involvement of parents/guardians, other members of the community to be served, and individuals who will carry out the plan, including teachers, principals, other school leaders, paraprofessionals present in the school, administrators (including administrators of other federal education programs), the district, tribes and tribal organizations present in the community, and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, secondary school students as applicable, and other individuals determined by the school. (20 USC 6314)

*(cf. 0400 - Comprehensive Plans)*

The schoolwide program plan shall be based on a comprehensive needs assessment of the entire school and shall be incorporated into a single plan for student achievement which also incorporates the plans required for other categorical programs included in the state's consolidated application. (Education Code 64001; 20 USC 6314)

*(cf. 0420 - School Plans/Site Councils)*

The plan shall describe the strategies that the school will implement to address school needs, including a description of how such strategies will: (20 USC 6314)

1. Provide opportunities for all students, including economically disadvantaged students, ethnic subgroups, students with disabilities, and English learners, to meet state academic standards

*(cf. 6011 - Academic Standards)*

2. Use methods and instructional strategies that strengthen the school's academic program, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6111 - School Calendar)*

*(cf. 6112 - School Day)*

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6177 - Summer Learning Programs)*

3. Address the needs of all students in the school, but particularly the needs of those at risk of not meeting state academic standards, through activities which may include the following:

- a. Counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas

*(cf. 5141.6 - School Health Services)*

*(cf. 6164.2 - Guidance/Counseling Services)*

*(cf. 6164.5 - Student Success Teams)*

- b. Preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school

*(cf. 6141.4 - International Baccalaureate Program)*

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6172.1 - Concurrent Enrollment in College Classes)*

*(cf. 6178 - Career Technical Education)*

- c. Implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervention services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act

- d. Professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments and to recruit and retain effective teachers, particularly in high-need subjects

*(cf. 4111/4211/4311 - Recruitment and Selection)*

*(cf. 4131 - Staff Development)*

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

- e. Strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs

*(cf. 5148.3 - Preschool/Early Childhood Education)*

The plan shall also include a description of any applicable federal, state, and local programs that will be consolidated in the schoolwide program. (20 USC 6314; 34 CFR 200.27)

The plan and its implementation shall be regularly monitored and revised as necessary based on student needs to ensure that all students are provided opportunities to meet state academic standards. (20 USC 6314)

### **Targeted Assistance Programs**

Any school that receives Title I funds but does not operate a schoolwide program shall use Title I funds to provide services to eligible students who are failing, or most at risk of failing, to meet state academic standards. Students shall be identified on the basis of multiple, educationally related, objective criteria, except that students in preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the district and supplemented by the school. (20 USC 6315)

Eligible students include those who are economically disadvantaged; students with disabilities; migrant students, including those who participated in a migrant education program pursuant to 20 USC 6391-6399 in the preceding two years; English learners; students who participated in a Head Start or state preschool program in the preceding two years; students in a local institution for neglected or delinquent children and youth or attending a community day program for such students; and homeless students. (20 USC 6315)

Any targeted assistance program shall: (20 USC 6315)

1. Use program resources to help participating students meet state academic standards, which may include programs, activities, and academic courses necessary to provide a well-rounded education
2. Use methods and instructional strategies that strengthen the academic program, through activities which may include:
  - a. Expanded learning time, before- and after-school programs, and summer programs and opportunities
  - b. A schoolwide tiered model to prevent and address behavior problems, and early intervention services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act
3. Coordinate with and support the regular education program, which may include services to assist preschool students in the transition to elementary school programs
4. Provide professional development to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel and other school personnel who work with eligible students in Title I

programs or in the regular education program. The professional development shall be provided using funds from Title I and, to the extent practicable, other sources.

5. Implement strategies to increase the involvement of parents/guardians of participating students
6. If appropriate and applicable, coordinate and integrate federal, state, and local services and programs, such as programs supported by the Elementary and Secondary Education Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career technical education programs, and comprehensive or targeted support and improvement activities under 20 USC 6311
7. Provide assurances to the Superintendent or designee that the program will:
  - a. Help provide an accelerated, high-quality curriculum
  - b. Minimize the removal of students from the regular classroom during regular school hours for instruction supported by Title I funds
  - c. On an ongoing basis, review the progress of participating students and revise the targeted assistance program, if necessary, to provide additional assistance to enable such students to meet state academic standards

#### **Participation of Private School Students**

Teachers and families of participating private school students shall have an opportunity to participate, on an equitable basis, in parent/guardian and family engagement activities and professional development pursuant to 20 USC 6318. (20 USC 6320, 7881)

Each year the Superintendent or designee shall contact officials of private schools with students who reside within district boundaries, regardless of whether the private school they attend is located within the district or whether or not those officials have previously indicated any interest in program participation, and invite them to a meeting to discuss the intent of Title I and the roles of public and private school officials.

The Superintendent or designee shall consult with appropriate private school officials, in a meaningful and timely manner, during the design and development of the district's Title I programs, with the goal of reaching agreement on how to provide equitable and effective programs for eligible private school students. Such consultation shall occur before the district makes any decision that affects the opportunities of eligible private school students to participate in Title I programs and shall include consultation on issues such as the following: (20 USC 6320, 7881; 34 CFR 200.56)

1. How the needs of private school students will be identified
2. What services will be offered
3. How, where, and by whom the services will be provided
4. How the services will be academically assessed and how assessment results will be used to improve those services
5. The size and scope of the equitable services to be provided to eligible private school students, the proportion of funds to be allocated for such services, and how that proportion of funds is determined
6. The method or sources of data that are used to determine the number of students from low-income families in participating school attendance areas who attend private schools

7. How and when the district will make decisions about the delivery of services to such students, including a thorough consideration and analysis of the views of private school officials on the provision of services through a third-party provider
8. How, if the district disagrees with the views of private school officials on the provision of services through a third-party provider, the district will provide to private school officials a written analysis of the reasons that the district has chosen not to use a contractor
9. Whether the district will provide services directly or through a separate government agency, consortium, entity, or third-party contractor
10. Whether to provide services to eligible private school students by pooling funds or on a school-by-school basis
11. When services will be provided, including the approximate time of day
12. Whether to consolidate and use funds provided under Title I with other funds available for services to private school students

If the district disagrees with the views of private school officials with respect to any of the above issues, the district shall provide the officials, in writing, the reasons that the district disagrees. (20 USC 6320)

Meetings between district and private school officials shall continue throughout implementation and assessment of services. (20 USC 6320)

The district shall maintain, and shall provide to the CDE, a written affirmation signed by officials of each participating private school that consultation has occurred. The affirmation shall provide the option for private school officials to indicate their belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to private school students. If private school officials do not provide the affirmation within a reasonable period of time, the district shall send documentation to the CDE demonstrating that the consultation has, or attempts at such consultation have, taken place. (20 USC 6320)  
(*cf. 3580 - District Records*)

The Superintendent or designee shall also maintain copies of program descriptions, notices, funding allocations, and other communications and records pertaining to the provision of services to private school students.

**HESPERIA UNIFIED SCHOOL DISTRICT** Hesperia, California  
Regulation approved: August 9, 2019

### **SCHOOL ACCOUNTABILITY REPORT CARD (SARC)**

By February 1 of each year, every school in California is required by state law to publish a School Accountability Report Card (SARC). The SARC contains information about the condition and performance of each California public school. Under the Local Control Funding Formula (LCFF) all local educational agencies (LEAs) are required to prepare a Local Control and Accountability Plan (LCAP), which describes how they intend to meet annual school-specific goals for all pupils, with specific activities to address state and local priorities. Additionally, data reported in an LCAP is to be consistent with data reported in the SARC. Each school site SARC can be found on their school website. A hard copy will be made available upon request to the front office.

### **SUMMER SCHOOL**

Hesperia Unified School District offers summer school to student in grades 7-12. The summer school program emphasizes academic preparation for those students who need to make up grades or to make up credits. For more information regarding our Summer School program, please contact your student's counselor.

## **TITLE I**

Your child is attending a school receiving Title I federal funds through the Elementary and Secondary Education Act (ESEA). At the beginning of each school year, local educational agencies receiving Title I funds are required to notify parents whose student(s) attend a Title I school that they may request, and the agency will provide, the parents on request and in a timely manner, information regarding the professional qualifications of the student's classroom teachers, including at a minimum:

1. Whether the student's teacher:
  - Has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
  - Is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
  - Is teaching in the field of discipline of the certification of the teacher.
2. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

If you would like this information, please contact Brittany Frye at (760) 244-4411.

# **HEALTH**

## **ACCIDENTS AND INJURIES**

All accidents or injuries to students should be reported immediately to the Health Office and an accident report must be completed. First aid may be administered on campus. There is no registered school nurse on site; however, the services of a Certified Athletic Trainer and Health Technician are available. If the situation warrants, paramedic services will be requested at parental expense. In all cases, an attempt will be made to notify a parent or guardian as soon as possible. It is absolutely essential to have a properly completed emergency card with current information on file at the school to ensure prompt and effective treatment and parental notification.

## **AUTOMATED EXTERNAL DEFIBRILLATORS (AED)**

All HUSD schools and departments have been equipped with AEDs. Effective January 1, 2016, California enacted new law regarding AEDs installed in public or private K-12 schools. District compliance requirements include inspection and maintenance schedules for AEDs. An AED is the only effective treatment for restoring a regular heart rhythm during sudden cardiac arrest and is an easy to operate tool for someone with no medical background.

## **HEALTH OFFICE**

Students who feel ill or need medical attention should tell the nearest adult and report to the Health Office. It is imperative that a current emergency card is on file for each student so that the proper medical attention can be secured in case of illness or injury.

### **When your child is ill...**

Your child must be kept home from school if he/she has...

- Fever: Children must be fever-free (less than 100 degrees) without using medication for 24 hours before returning to school.
- Acute cold with uncontrolled cough, wheezing or difficulty breathing.
- Nausea and vomiting: Children must be free of vomiting for 24 hours before returning to school.
- Diarrhea: Children must be diarrhea-free for 24 hours before returning to school.
- Inability to sleep most of the night because they don't feel well.
- A rash of unknown origin. Children must be examined by a doctor to make sure the rash is not contagious. Physician must provide note stating that the student is not contagious.
- Conjunctivitis (Pink eye): Student may return to school 24 hours after starting physician prescribed medication, with a physician's note.

- Students returning to school after a serious illness requiring 5 days or more of absences from school, surgical procedure, or overnight hospitalization, must have a physician's note clearing the student to be on campus and/or stating limitations and/or instructions for care while at school.

**\*\*If your student arrives at the health office with any of above, parent will be contacted to pick student up. Parent may be asked to attain physician release for student to return to school for any suspected contagious illness.\*\***

### **When your child returns to school after injury...**

A physician's note is required when a student attends school with durable medical equipment (DME) or required activity restrictions during the school day. Students who arrive to school without a doctor's note may be excluded from school until a doctor's note is received.

- For students with a cast, splint, sling, ace wrap, walking boot, etc., a physician's note is required pertaining to activity restrictions.
- For students with crutches, a walker, a wheelchair, a cane, or any other type of durable medical equipment (DME), a physician's note is required pertaining to use of the DME on campus and also pertaining to activity restrictions and necessary accommodations.
- Students that arrive to school with ace wraps will not be rewrapped by the health tech on site.

## **IMMUNIZATIONS**

California law requires children to be immunized. Children are exempt from immunization requirements only if a parent or guardian submits a written statement from a licensed physician (M.D. or D.O.) which states:

- That the physical condition or medical circumstances of the child are such that the required immunization(s) is not indicated
- Which vaccines are being exempted
- Whether the medical exemption is permanent or temporary
- The expiration date, if the exemption is temporary

Students entering school must show proof of the following immunizations:

Students entering Kindergarten:

<b>Immunization</b>	<b>Dosage</b>
Diphtheria, Pertussis, and Tetanus (DPT)	Five (5) doses
Polio	Four (4) doses
Measles, Mumps, and Rubella (MMR)	Two (2) doses
Hepatitis B	Three (3) doses
Varicella (chickenpox)	One (1) dose

Students entering grade seven:

<b>Immunization</b>	<b>Dosage</b>
Tetanus, reduced Diphtheria, and acellular Pertussis (Tdap)	One (1) dose
Measles, Mumps, and Rubella (MMR)	Two (2) doses
Varicella	Two (2) doses

All students from out of state must show proof of varicella (chickenpox) immunization.



## **INSURANCE**

***The Hesperia Unified School District is not required to provide medical, accident or dental insurance for pupils injured on school premises or while participating in school activities*** However, in accordance with Education Code Section 49472, the District is making available a low cost medical/dental accident insurance program. The purpose of this plan is to provide assistance at a minimum cost to meet some of the expenses for accidental injury. The plan does not provide unlimited coverage, but does offer substantial assistance in the event of injury.

***Any student participating in Interscholastic Tackle Football must show proof of existing health insurance, or purchase the Student Accident Insurance offered.***

Please visit your child's school office to obtain a detailed brochure/application, or you may obtain one and sign up online at [www.peinsurance.com](http://www.peinsurance.com) (click on Products, then Student Insurance). Please read the Student Benefits Plan Brochure to select the plan that best meets your needs.

Because the district is not required to provide medical/dental accident insurance, we urge that serious consideration be given to the program, especially the 24-Hour-A Day plan. If you have further questions, please call Pacific Educators, Inc., Student Accident Department at (800) 722-3365.

## **MEDICATION**

If your student has a medical condition that requires medication, please inform the school. If at all possible, medications should be given at home. Student's may not carry any medication to school. This includes over the counter medications as well as cough drops. The office cannot give any medication to a student without a form filled out by the parent/guardian and the physician. This form is available in the office or online and must be renewed annually.

Educational Code Section 49423 – Administration of Prescribed Medication

Per the Education Code, any pupil who needs medication prescribed by a physician during the school day, may be assisted by the school nurse or other designated school personnel if the school district receives:

1. A written statement from the physician detailing the method, amount, and time schedule for the medication, AND
2. A written statement from the parent or guardian for school personnel to supervise the dispensing. This also includes over-the-counter medication (i.e. inhalers, aspirin, or cold medicine.)
3. Students will be issued a Medical Pass when a note from their doctor is on file indicating necessary direction. Students must keep this pass with them for verification.
4. In order for a student to carry an inhaler on campus, proper documentation must be on file with the Health office. Contact the school for necessary forms.

## **SEXUAL ABUSE AND MOLESTATION**

If you are concerned that a child or teen is a victim of abuse, you may not be sure what to do or how to respond. Unfortunately, child and teen sexual abuse is a crime that often goes undetected. No matter what your role is, parent, coach, family member, you have the power to make a positive difference in a child's life. Taking action is never easy, but it's very important.

**Remember, you are not alone. If you suspect sexual abuse you can talk to someone who is trained to help. Call the National Sexual Assault Hotline at 800.656.HOPE (4673) or chat online at [online.rainn.org](http://online.rainn.org).**

## **SUICIDE PREVENTION**

Suicide is the second leading cause of death among school age youth. However, suicide is **preventable**. Most important is to never take these warning signs lightly or promise to keep them secret.

Most suicidal youth demonstrate observable behaviors that signal their suicidal thinking. These include:

- Suicidal threats in the form of direct ("I am going to kill myself") and indirect ("I wish I could fall asleep and never wake up again") statements.
- Suicide notes and plans (including online postings).
- Prior suicidal behavior.
- Making final arrangements (e.g., making funeral arrangements, writing a will, giving away prized possessions).



- Preoccupation with death.
- Changes in behavior, appearance, thoughts and/or feelings.

Never take these warning signs lightly or promise to secrets. **If you or someone you know is suicidal, get help immediately via 911, the National Suicide Prevention Lifeline at 1-800-273-TALK or the Crisis Text Line (text “HOME” to 741741).**

## NONDISCRIMINATION

### **HESPERIA UNIFIED SCHOOL DISTRICT BOARD POLICY 5145.3 – NONDISCRIMINATION**

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>

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California

Policy adopted: May 8, 2011; January 20, 2015 Revised: June 20, 2016; June 17, 2019

## **HESPERIA UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION 5145.3 –**

### **NONDISCRIMINATION**

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)

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California  
Regulation adopted: June 17, 2019

## NUTRITION SERVICES

### **BREAKFAST PROGRAM**

Breakfast is served each morning in the cafeteria. Please make sure students arrive on time so they will have the opportunity to eat breakfast.

### **CHARGE POLICY**

Students with unpaid meal charges will be reminded by Nutrition Services staff members to bring in payment for their meals. Students with unpaid meal charges will be offered, and may select from the same menu options as students without meal charges.

Parents/guardians shall be the focus of debt collection efforts, and may be notified via mail, text message, phone message, or email by the nutrition services staff regarding negative balances on student meal accounts, as needed, or at least every 10 days during the school year.

### **LUNCH PROGRAM**

Students may bring their lunch from home or buy lunch from the cafeteria. All students will be assigned a lunch number to enter into the cafeteria's computer system, which keeps track of each student's account.

### **MEAL APPLICATIONS**



Free and Reduced Price Meal Applications for the new school year are available at any time starting mid-July. Meal Applications need to be renewed every school year. Only one application is needed per household per school year. Please note that it may take **up to ten (10) business days** to process your application. Until notification of your eligibility status, you must provide your child with breakfast/lunch or breakfast/lunch money.

Visit one of the following locations for Meal Applications:

1. **Online:** Apply online for the fastest processing time. Please visit [www.hesperiausd.org](http://www.hesperiausd.org) under Nutrition Services for the application.
2. **Nutrition Services Office:** Apply online at our office located at 11176 G Avenue, Hesperia, CA 92345
3. **School Main Office:** Paper Meal Applications are available in the main office of your child's school. Completed Meal Apps can be turned into the cafeteria at your child's school OR mailed/dropped off at the Nutrition Services Office (see above).

### **MEAL PRICES**

BREAKFAST		LUNCH	
ELEMENTARY	\$1.50	ELEMENTARY	\$2.75
SECONDARY	\$1.50	SECONDARY	\$3.25
ADULT	\$2.50	ADULT	\$4.50

## **PARENT INVOLVEMENT**

### **HESPERIA UNIFIED SCHOOL DISTRICT BOARD POLICY 6020 – PARENT AND FAMILY ENGAGEMENT**

The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent/guardian engagement in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall consult with parents/guardians and family members in the development of meaningful opportunities for them to be engaged in district and school activities at all grade levels; advisory, decision-making, and advocacy roles; and activities to support learning at home.

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1230 - School-Connected Organizations)*

*(cf. 1240 - Volunteer Assistance)*

*(cf. 1250 - Visitors/Outsiders)*

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

*(cf. 5020 - Parent Rights and Responsibilities)*

The district's local control and accountability plan shall include goals and strategies for parent/guardian engagement, including district efforts to seek parent/guardian input in district and school site decision making and to promote parent/guardian participation in programs for English learners, foster youth, students eligible for free and reduced-price meals, and students with disabilities. (Education Code 42238.02, 52060)

*(cf. 0460 - Local Control and Accountability Plan)*

The Superintendent or designee shall regularly evaluate and report to the Board on the effectiveness of the district's parent/guardian and family engagement efforts, including, but not limited to, input from parents/guardians, family members, and school staff on the adequacy of engagement opportunities and on barriers that may inhibit participation.

*(cf. 0500 - Accountability)*

### **Title I Schools**

The Superintendent or designee shall involve parents/guardians and family members in establishing district expectations and objectives for meaningful parent/guardian and family engagement in schools supported by Title I funding, developing strategies that describe how the district will carry out each activity listed in 20 USC 6318, as contained in the accompanying administrative regulation, and implementing and evaluating such programs, activities, and procedures. As appropriate, the Superintendent or designee shall conduct outreach to all parents/guardians and family members. (Education Code 11503; 20 USC 6318)

*(cf. 6171 - Title I Programs)*

When the district's Title I, Part A allocation exceeds the amount specified in 20 USC 6318, the Board shall reserve at least one percent of the funding to implement parent/guardian and family engagement activities. The Superintendent or designee shall engage parents/guardians and family members of participating students in decisions regarding how the district's Title I funds will be allotted for parent/guardian and family engagement activities and shall ensure that priority is given to schools in high poverty areas in accordance with law. (20 USC 6318, 6631)

*(cf. 3100 - Budget)*

Expenditures of such funds shall be consistent with the activities specified in this policy and shall include at least one of the following: (20 USC 6318)

1. Support for schools and nonprofit organizations in providing professional development for district and school staff regarding parent/guardian and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents/guardians and family members
2. Support for programs that reach parents/guardians and family members at home, in the community, and at school
3. Dissemination of information on best practices focused on parent/guardian and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents/guardians and family members
4. Collaboration with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement
5. Any other activities and strategies that the district determines are appropriate and consistent with this policy

The Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent/guardian and family engagement policy in accordance with 20 USC 6318.

### **Non-Title I Schools**

The Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the district and schools will address the purposes and goals described in Education Code 11502. (Education Code 11504)

*Legal Reference:*

EDUCATION CODE

*11500-11506 Programs to encourage parent involvement*

*48985 Notices in languages other than English*

51101 Parent rights and responsibilities  
52060-52077 Local control and accountability plan  
54444.1-54444.2 Parent advisory councils, services to migrant children  
56190-56194 Community advisory committee, special education  
64001 Single plan for student achievement  
LABOR CODE  
230.8 Time off to visit child's school  
CODE OF REGULATIONS, TITLE 5  
18275 Child care and development programs, parent involvement and education  
UNITED STATES CODE, TITLE 20  
6311 State plan  
6312 Local educational agency plan  
6314 Schoolwide programs  
6318 Parent and family engagement  
6631 Teacher and school leader incentive program, purposes and definitions  
CODE OF FEDERAL REGULATIONS, TITLE 28  
35.104 Definitions, auxiliary aids and services  
35.160 Communications

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
Title I School-Level Parental Involvement Policy  
Family Engagement Framework: A Tool for California School Districts, 2014  
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS  
Parental Involvement: Title I, Part A, Non-Regulatory Guidance, April 23, 2004  
WEB SITES  
CSBA: <http://www.csba.org>  
California Department of Education, Family, School, Community Partnerships: <http://www.cde.ca.gov/ls/pf>  
California Parent Center: <http://parent.sdsu.edu>  
California State PTA: <http://www.capta.org>  
National Coalition for Parent Involvement in Education: <http://www.ncpie.org>  
National PTA: <http://www.pta.org>  
Parent Information and Resource Centers: <http://www.pirc-info.net>  
Parents as Teachers National Center: <http://www.parentsasteachers.org>  
U.S. Department of Education: <http://www.ed.gov>

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California  
Policy adopted: August 5, 2019

## **HESPERIA UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION 6020 – PARENT AND FAMILY ENGAGEMENT**

### **District Strategies for Title I Schools**

To ensure that parents/guardians and family members of students participating in Title I programs are provided with opportunities to be engaged in their children's education, the district shall:

1. Involve parents/guardians and family members in the joint development of a district plan that meets the requirements of 20 USC 6312 and in the development of school support and improvement plans pursuant to 20 USC 6311 (20 USC 6318)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 6171 - Title I Programs)

The Superintendent or designee may:

- a. In accordance with Education Code 52063, establish a district-level parent advisory committee and, as applicable, an English learner parent advisory committee to review and comment on the plan in accordance with the review schedule established by the Governing Board
- b. Invite input on the plan from other district committees and school site councils

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

- c. Communicate with parents/guardians through the district web site or other methods regarding the plan and the opportunity to provide input
  - d. Provide copies of working drafts of the plan to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand
  - e. Ensure that there is an opportunity at a public Board meeting for public comment on the plan prior to the Board's approval of the plan or revisions to the plan
  - f. Ensure that school-level policies on parent/guardian and family engagement address the role of school site councils and other parents/guardians as appropriate in the development and review of school plans
2. Provide coordination, technical assistance, and other support necessary to assist and build the capacity of Title I schools in planning and implementing effective parent/guardian and family engagement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations or individuals with expertise in effectively engaging parents/guardians and family members in education (20 USC 6318)

*(cf. 1700 - Relations Between Private Industry and the Schools)*

The Superintendent or designee shall: (20 USC 6318)

- a. Assist parents/guardians in understanding such topics as the challenging state academic content standards and academic achievement standards, state and local academic assessments, the requirements of Title I, and how to monitor a child's progress and work with educators to improve the achievement of their children

*(cf. 6011 - Academic Standards)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.51 - State Academic Achievement Tests)*

- b. Provide parents/guardians with materials and training, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to help them work with their children to improve their children's achievement
- c. With the assistance of parents/guardians, educate teachers, specialized instructional support personnel, principals and other school leaders, and other staff, in the value and utility of parent/guardian contributions and in how to reach out to, communicate with, and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and the schools

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

- d. To the extent feasible and appropriate, coordinate and integrate parent/guardian involvement programs and activities with other federal, state, and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents/guardians in fully participating in their children's education
- e. Ensure that information related to school and parent/guardian programs, meetings, and other activities is sent to the parents/guardians of participating students in a format and, to the extent practicable, in a language the parents/guardians can understand
- f. Provide other such reasonable support for parent/guardian involvement activities as parents/guardians may request
- g. Inform parents/guardians and parent organizations of the existence and purpose of parent information and resource centers in the state that provide training, information, and support to parents/guardians of participating students

In addition, the Superintendent or designee may:

- a. Train parents/guardians to enhance the involvement of other parents/guardians
- b. Arrange school meetings at a variety of times or, when parents/guardians are unable to attend such conferences, conduct in-home conferences between parents/guardians and teachers or other educators who work directly with participating students, in order to maximize parent/guardian involvement and participation
- c. Adopt and implement model approaches to improving parent/guardian involvement
- d. Establish a districtwide parent advisory council to provide advice on all matters related to parent/guardian involvement in Title I programs
- e. Develop appropriate roles for community-based organizations and businesses in parent/guardian involvement activities
- f. Make referrals to community agencies and organizations that offer literacy training, parent/guardian education programs, and/or other services that help to improve the conditions of parents/guardians and families

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

- g. Provide a master calendar of district activities and district meetings
- h. Provide information about opportunities for parent/guardian and family engagement through the district web site or other written or electronic means
- i. Engage parent-teacher organizations to actively seek out and involve parents/guardians through regular communication updates and information sessions
- j. To the extent practicable, provide translation services at school sites and at meetings involving parents/guardians and family members as needed

- k. Provide training and information to members of district and school site councils and advisory committees to help them fulfill their functions
  - l. Provide ongoing district-level workshops to assist school site staff, parents/guardians, and family members in planning and implementing improvement strategies, and seek their input in developing the workshops
  - m. Provide training for the principal or designee of each participating school regarding Title I requirements for parent/guardian and family engagement, leadership strategies, and communication skills to assist him/her in facilitating the planning and implementation of related activities
  - n. Regularly evaluate the effectiveness of staff development activities related to parent/guardian and family engagement
  - o. Assign district personnel to serve as a liaison to the schools regarding Title I parent/guardian and family engagement issues
  - p. Provide information to schools about the indicators and assessment tools that will be used to monitor progress
3. To the extent feasible and appropriate, coordinate and integrate Title I parent/guardian and family engagement strategies with parent/guardian and family engagement strategies of other relevant federal, state, and local programs and ensure consistency with federal, state, and local laws (20 USC 6318)

The Superintendent or designee may:

- a. Identify overlapping or similar program requirements

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

*(cf. 2230 - Representative and Deliberative Groups)*

*(cf. 3280 - Sale or Lease of District-Owned Real Property)*

*(cf. 5030 - Student Wellness)*

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.3 - Preschool/Early Childhood Education)*

*(cf. 6174 - Education for English Learners)*

*(cf. 6175 - Migrant Education Program)*

*(cf. 6178 - Career Technical Education)*

- b. Involve district and school site representatives from other programs to assist in identifying specific population needs
  - c. Schedule joint meetings with representatives from related programs and share data and information across programs
  - d. Develop a cohesive, coordinated plan focused on student needs and shared goals
4. Conduct, with meaningful involvement of parents/guardians and family members, an annual evaluation of the content and effectiveness of the parent/guardian and family engagement policy in improving the academic quality of the schools served by Title I, including identification of: (20 USC 6318)

- a. Barriers to participation in parent/guardian and family engagement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background
- b. The needs of parents/guardians and family members, so they can better assist with their children's learning and engage with school personnel and teachers
- c. Strategies to support successful school and family interactions

*(cf. 0500 - Accountability)*

The Superintendent or designee shall notify parents/guardians of this review and assessment through regular school communications mechanisms and shall provide a copy of the assessment to parents/guardians upon their request. (Education Code 11503)

The Superintendent or designee may:

- a. Use a variety of methods, such as focus groups, surveys, and workshops, to evaluate the satisfaction of parents/guardians and staff with the quality and frequency of district communications
  - b. Gather and monitor data regarding the number of parents/guardians and family members participating in district activities and the types of activities in which they are engaged
  - c. Recommend to the Board measures to evaluate the impact of the district's parent/guardian and family engagement efforts on student achievement
5. Use the findings of the evaluation conducted pursuant to item #4 above to design evidence-based strategies for more effective parent/guardian and family involvement and, if necessary, to revise the parent/guardian and family engagement policy (20 USC 6318)
6. Involve parents/guardians in the activities of schools served by Title I, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents/guardians or family members served by the district to adequately represent the needs of the population served by the district for the purposes of developing, revising, and reviewing the parent/guardian and family engagement policy (20 USC 6318)

The Superintendent or designee may:

- a. Include information about school activities in district communications to parents/guardians and family members
- b. To the extent practicable, assist schools with translation services or other accommodations needed to encourage participation of parents/guardians and family members
- c. Establish processes to encourage parent/guardian input regarding their expectations and concerns for their children

The district's Board policy and administrative regulation containing parent/guardian and family engagement strategies shall be incorporated into the district's local control and accountability plan in accordance with 20 USC 6312 and shall be distributed to parents/guardians of students participating in Title I programs. (20 USC 6318)

*(cf. 5145.6 - Parental Notifications)*

### **School-Level Policies for Title I Schools**

At each school receiving Title I funds, a written policy on parent/guardian and family engagement shall be developed jointly with the parents/guardians and family members of participating students. Such policy shall describe the means by which the school will: (20 USC 6318)

1. Convene an annual meeting, at a convenient time, to which all parents/guardians of participating students shall be invited and encouraged to attend, in order to inform parents/guardians of their school's participation in Title I and to explain Title I requirements and the right of parents/guardians to be involved
2. Offer a flexible number of meetings, such as meetings in the morning or evening, for which related transportation, child care, and/or home visits may be provided as such services relate to parent/guardian involvement
3. Involve parents/guardians in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school's parent/guardian and family engagement policy and, if applicable, the joint development of the plan for schoolwide programs pursuant to 20 USC 6314

The school may use an existing process for involving parents/guardians in the joint planning and design of the school's programs provided that the process includes adequate representation of parents/guardians of participating students.

4. Provide the parents/guardians of participating students all of the following:
  - a. Timely information about Title I programs
  - b. A description and explanation of the school's curriculum, forms of academic assessment used to measure student progress, and the achievement levels of the challenging state academic standards

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

*(cf. 5123 - Promotion/Acceleration/Retention)*

- c. If requested by parents/guardians, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to their children's education, and, as soon as practicably possible, responses to the suggestions of parents/guardians
5. If the schoolwide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the district
6. Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff, and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards

This compact shall address:

- a. The school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to achieve the state's challenging academic achievement standards
- b. Ways in which parents/guardians will be responsible for supporting their children's learning, volunteering in the classroom, and participating, as appropriate, in decisions related to their children's education and the positive use of extracurricular time



*(cf. 1240 - Volunteer Assistance)*  
*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 5113 - Absences and Excuses)*  
*(cf. 6145 - Extracurricular/Cocurricular Activities)*  
*(cf. 6154 - Homework/Makeup Work)*

- c. The importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:
  - (1) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the student's achievement
  - (2) Frequent reports to parents/guardians on their children's progress
  - (3) Reasonable access to staff, opportunities to volunteer and participate in their child's classroom, and observation of classroom activities
  - (4) Regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand
7. Build the capacity of the school and parents/guardians for strong parent engagement by implementing the required activities described in item #2 in the section "District Strategies for Title I Schools" above
8. To the extent practicable, provide opportunities for the informed participation of parents/guardians and family members (including parents/guardians and family members with limited English proficiency, parents/guardians and family members with disabilities, and parents/guardians and family members of migrant children), including providing information and school reports required under 20 USC 6311(h) in a format and language such parents/guardians can understand

If the school has a parent and family engagement policy that applies to all parents/guardians, it may amend that policy to meet the above requirements. (20 USC 6318)

Each school's parent/guardian and family engagement policy shall be made available to the local community. Parents/guardians shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. (20 USC 6318)

Each school receiving Title I funds shall annually evaluate the effectiveness of its parent/guardian and family engagement policy. Such evaluation may be conducted during the process of reviewing the school's single plan for student achievement in accordance with Education Code 64001.

The school's policy shall be periodically updated to meet the changing needs of parents/guardians and the school. (20 USC 6318)

#### **District Strategies for Non-Title I Schools**

For each school that does not receive federal Title I funds, the Superintendent or designee shall, at a minimum:

1. Engage parents/guardians positively in their children's education by helping them develop skills to use at home that support their children's academic efforts at school and their children's development as responsible members of society (Education Code 11502, 11504)

The Superintendent or designee may:

- a. Provide or make referrals to literacy training and/or parent education programs designed to improve the skills of parents/guardians and enhance their ability to support their children's education
  - b. Provide information, in parent handbooks and through other appropriate means, regarding academic expectations and resources to assist with the subject matter
  - c. Provide parents/guardians with information about students' class assignments and homework assignments
2. Inform parents/guardians that they can directly affect the success of their children's learning, by providing them with techniques and strategies that they may use to improve their children's academic success and to assist their children in learning at home (Education Code 11502, 11504)

The Superintendent or designee may:

- a. Provide parents/guardians with information regarding ways to create an effective study environment for their children at home and to encourage good study habits
  - b. Encourage parents/guardians to monitor their children's school attendance, homework completion, and television viewing
  - c. Encourage parents/guardians to volunteer in their child's classroom and to participate in school advisory committees
3. Build consistent and effective communication between the home and school so that parents/guardians may know when and how to assist their children in support of classroom learning activities (Education Code 11502, 11504)

The Superintendent or designee may:

- a. Ensure that teachers provide frequent reports to parents/guardians on their children's progress and hold parent-teacher conferences at least once per year with parents/guardians of elementary school students
  - b. Provide opportunities for parents/guardians to observe classroom activities and to volunteer in their child's classroom
  - c. Provide information about parent/guardian and family engagement opportunities through district, school, and/or class newsletters, the district's web site, and other written or electronic communications
  - d. To the extent practicable, provide notices and information to parents/guardians in a format and language they can understand
  - e. Develop mechanisms to encourage parent/guardian input on district and school issues
  - f. Identify barriers to parent/guardian and family participation in school activities, including parents/guardians and family members who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background
  - g. Encourage greater parent/guardian participation by adjusting meeting schedules to accommodate parent/guardian needs and, to the extent practicable, by providing translation or interpreter services, transportation, and/or child care

4. Train teachers and administrators to communicate effectively with parents/guardians (Education Code 11502, 11504)

The Superintendent or designee may:

- a. Provide staff development to assist staff in strengthening two-way communications with parents/guardians, including parents/guardians who have limited English proficiency or limited literacy

5. Integrate parent/guardian and family engagement programs into school plans for academic accountability

The Superintendent or designee may:

- a. Include parent/guardian and family engagement strategies in school reform or school improvement initiatives
- b. Involve parents/guardians and family members in school planning processes

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California

Regulation approved: August 5, 2019

### **VOLUNTEER INFORMATION**

Parental support and involvement in a child's education is an essential element for improving academic achievement. Studies have shown that parental direction, interest, and participation in a student's educational development affects performance, attitudes, and school success. HUSD can provide many opportunities for learning, but parent and family support is irreplaceable. There is no substitute for encouragement, approval, and love that parents give to their children.

Process for School Volunteer Approval (Outlined in Board Policy and Administrative Regulation 1240):

- Complete a request to volunteer form provided by the school site.
- Volunteer information provided will be cleared and verified through the Department of Justice's Megan's Law website.
- Receive school principal approval.
- Receive Board of Education approval.

Additionally:

- Volunteers must adhere to the school site Dress Code.
- Volunteers must sign-in and sign-out in the front office.
- After signing in, volunteers will receive a visitor's pass that must be visibly worn while on campus.
- We ask that volunteers leave "non-student" children at home. It can create too many distractions in the classroom.

You can find the volunteer form on our District website or in the front office of the school.

## **PARENT RIGHTS**

### **HESPERIA UNIFIED SCHOOL DISTRICT BOARD POLICY 1312.3 – UNIFORM COMPLAINT PROCEDURES**

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

#### **Complaints Subject to the UCP**

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, After School Education and Safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs, child care and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs, and any other district-implemented program which is listed in Education Code 64000(a)

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. 5131.62 - Tobacco)*

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 5148.3 - Preschool/Early Childhood Education)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Learners)*

*(cf. 6175 - Migrant Education Program)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.1 - Work-Based Learning)*

*(cf. 6178.2 - Regional Occupational Center/Program)*

*(cf. 6200 - Adult Education)*

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

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

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

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

*(cf. 3260 - Fees and Charges)*

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

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

*(cf. 0460 - Local Control and Accountability Plan)*

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

*(cf. 6173.1 - Education for Foster Youth)*

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, or a child of a military family as defined in Education Code 49701 who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.2 - Education of Children of Military Families)*

*(cf. 6173.3 - Education for Juvenile Court School Students)*

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

*(cf. 6152 - Class Assignment)*

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

*(cf. 6142.7 - Physical Education and Activity)*

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

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

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

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5125 - Student Records)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

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

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

*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

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

*(cf. 3580 - District Records)*

### **Non-UCP Complaints**

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.  
BP 1312.3(e)
3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment.

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*Legal Reference:*

*EDUCATION CODE*

200-262.4 *Prohibition of discrimination*  
 222 *Reasonable accommodations; lactating students*  
 8200-8498 *Child care and development programs*  
 8500-8538 *Adult basic education*  
 18100-18203 *School libraries*  
 32280-32289 *School safety plan, uniform complaint procedures*  
 33380-33384 *California Indian Education Centers*  
 35186 *Williams uniform complaint procedures*  
 44500-44508 *California Peer Assistance and Review Program for Teachers*  
 48853-48853.5 *Foster youth*  
 48985 *Notices in language other than English*  
 49010-49013 *Student fees*  
 49060-49079 *Student records*  
 49069.5 *Rights of parents*  
 49490-49590 *Child nutrition programs*  
 49701 *Interstate Compact on Educational Opportunity for Military Children*  
 51210 *Courses of study grades 1-6*  
 51223 *Physical education, elementary schools*  
 51225.1-51225.2 *Foster youth, homeless children, former juvenile court school students, and military-connected students; course credits; graduation requirements*  
 51226-51226.1 *Career technical education*  
 51228.1-51228.3 *Course periods without educational content*  
 52060-52077 *Local control and accountability plan, especially:*  
 52075 *Complaint for lack of compliance with local control and accountability plan requirements*  
 52160-52178 *Bilingual education programs*  
 52300-52462 *Career technical education*  
 52500-52616.24 *Adult schools*  
 54000-54029 *Economic Impact Aid*  
 54400-54425 *Compensatory education programs*  
 54440-54445 *Migrant education*  
 54460-54529 *Compensatory education programs*  
 56000-56865 *Special education programs*  
 59000-59300 *Special schools and centers*  
 64000-64001 *Consolidated application process*  
GOVERNMENT CODE  
 11135 *Nondiscrimination in programs or activities funded by state*  
 12900-12996 *Fair Employment and Housing Act*  
HEALTH AND SAFETY CODE  
 104420 *Tobacco-Use Prevention Education*  
PENAL CODE  
 422.55 *Hate crime; definition*  
 422.6 *Interference with constitutional right or privilege*  
CODE OF REGULATIONS, TITLE 2  
 11023 *Harassment and discrimination prevention and correction*  
CODE OF REGULATIONS, TITLE 5  
 3080 *Application of section*  
 4600-4687 *Uniform complaint procedures*  
 4900-4965 *Nondiscrimination in elementary and secondary education programs*  
UNITED STATES CODE, TITLE 20  
 1221 *Application of laws*  
 1232g *Family Educational Rights and Privacy Act*  
 1681-1688 *Title IX of the Education Amendments of 1972*



6301-6576 *Title I basic programs*  
6801-7014 *Title III language instruction for limited English proficient and immigrant students*  
7101-7184 *Safe and Drug-Free Schools and Communities Act*  
7201-7283g *Title V promoting informed parental choice and innovative programs*  
7301-7372 *Title V rural and low-income school programs*  
12101-12213 *Title II equal opportunity for individuals with disabilities*  
UNITED STATES CODE, TITLE 29  
794 *Section 504 of Rehabilitation Act of 1973*  
UNITED STATES CODE, TITLE 42  
2000d-2000e-17 *Title VI and Title VII Civil Rights Act of 1964, as amended*  
2000h-2-2000h-6 *Title IX of the Civil Rights Act of 1964*  
6101-6107 *Age Discrimination Act of 1975*  
CODE OF FEDERAL REGULATIONS, TITLE 28  
35.107 *Nondiscrimination on basis of disability; complaints*  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 *Family Educational Rights and Privacy Act*  
100.3 *Prohibition of discrimination on basis of race, color or national origin*  
104.7 *Designation of responsible employee for Section 504*  
CODE OF FEDERAL REGULATIONS, TITLE 34  
106.8 *Designation of responsible employee for Title IX*  
106.9 *Notification of nondiscrimination on basis of sex*  
110.25 *Notification of nondiscrimination on the basis of age*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
Sample UCP Board Policies and Procedures  
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
Dear Colleague Letter: Title IX Coordinators, April 2015  
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013  
Dear Colleague Letter: Harassment and Bullying, October 2010  
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001  
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS  
Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002  
WEB SITES  
CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov>  
Family Policy Compliance Office: <http://familypolicy.ed.gov>  
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>  
U.S. Department of Justice: <http://www.justice.gov>

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California  
Policy Adopted: August 5, 2019

**HESPERIA UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION 1312.3 – UNIFORM COMPLAINT PROCEDURES**  
**UNIFORM COMPLAINT PROCEDURES**

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

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)  
(cf. 4030 - Nondiscrimination in Employment)

#### Compliance Officers

The Governing Board designates the following compliance officer(s) to receive and coordinate investigation of and response to complaints and to ensure District compliance with law:

**Student and Parent Concerns:** Isaac Newman-Gomez, Director of Student Services, 15576 Main St., Hesperia, CA 92345, (760) 244-4411, ext. 7316, Isaac.Newman-Gomez@hesperiausd.org.

**Hesperia Unified School District's hiring process:** Paige Moyer, Director of Personnel, 15576 Main St., Hesperia, CA 92345, (760) 244-4411, ext. 7331, Paige.Moyer@hesperiausd.org.

**Section 504 of the Rehabilitation Act of 1973:** Matthew Fedders, Director of Special Services, 15576 Main St., Hesperia, CA 92345, (760) 244-4411, ext. 7209, Matthew.Fedders@hesperiausd.org.

The compliance officer who receives a complaint may designate another individual to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another individual is assigned to the complaint. As necessary, additional staff or legal counsel may conduct or support the investigation.

In no instance shall a compliance officer be assigned to a complaint if he/she has a bias or conflict of interest that could prohibit him/her from fairly investigating or resolving the complaint. Any complaint filed against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

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

(cf. 4131/4231/4331 - Staff Development)  
(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the District issues its final written decision, whichever occurs first.

#### Notifications

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

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

(cf. 0420 - School Plans/Site Councils)  
(cf. 1220 - Citizen Advisory Committees)  
(cf. 3260 - Fees and Charges)  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)  
(cf. 5145.6 - Parental Notifications)

(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)

The annual notification, complete contact information of the compliance officers, and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the District website and may be provided through District-supported social media, if available.

(cf. 1113 - District and School Web Sites)

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

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable.
3. Advise the complainant of the appeal process including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
  - a. The District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within sixty (60) calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation, unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six (6) months from the date the alleged conduct occurred, or six (6) months from the date the complainant first obtained knowledge of the facts of the alleged unlawful conduct. The time for filing may be extended for up to ninety (90) days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
  - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, District staff shall assist him/her in the filing of the complaint.
  - e. If a complaint is not filed in writing but the District receives notice of any allegation that is subject to the UCP, the District shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation, unlawful discrimination, harassment, intimidation or bullying, and the investigation confirms that such conduct has occurred, the District will take steps to prevent recurrence of such conduct and correct its discriminatory effects on the complainant, and on others, if appropriate.

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

In any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the District's decision.
- k. The appeal to the CDE must include a copy of the complaint filed with the District and a copy of the District's decision.
- l. Copies of the District's UCP are available free of charge.

#### District Responsibilities

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

The compliance officer(s) shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with the Code of Regulations, Title 5, Sections 4631 and 4633.

All school personnel who are in receipt of a complaint that pertains to uniform complaint procedures shall immediately notify the site administrator. The compliance officer shall keep all complaints or allegations of retaliation, unlawful discrimination, harassment, intimidation, or bullying confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

#### Filing of Complaints

All complaints shall be in writing, signed by the complainant, and filed with the compliance officer. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, District staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Complaint forms may be obtained from the office of the Director of Student Services.

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging District violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination including harassment, intimidation, or bullying, is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant of unlawful discrimination including harassment, intimidation, or bullying, or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the District's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the District shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

#### Mediation

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

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

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

The use of mediation shall not extend the District's time lines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then

the District shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the District shall then continue with procedures specified in this administrative regulation.

#### Investigation of Complaint

After the compliance officer/investigator receives the complaint the compliance officer/investigator shall begin an investigation into the complaint.

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

In conducting the investigation, the compliance officer/investigator will determine the proper investigation procedures to ensure an unbiased and thorough investigation. Generally, an investigation will include the compliance officer/investigator interviewing available witnesses with information pertinent to the complaint individually and collect and review all available evidence related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. Witnesses will be interviewed individually and in a confidential manner.

A complainant's refusal to provide the District's compliance officer/investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation or engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegation. (5 CCR 4631.) In accordance with law, the District shall provide the compliance officer/investigator with access to records and other information related to the allegations in the complaint and shall not in any way obstruct the investigation. The District's failure or refusal to provide the compliance officer/investigator with access to records and/or other information related to the allegations in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631). The compliance officer/investigator shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

#### Report of Findings/Written Decision

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, and respondent, if applicable, the final written decision within 60 calendar days of the District's receipt of the complaint. (5 CCR 4631)

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

The final written decision shall include: (5 CCR 4631)

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



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

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

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

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

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

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

- a. The corrective actions imposed on the respondent
  - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent
  - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the District's decision to the CDE within 15 calendar days and procedures to be followed for initiating such an appeal.

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

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

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

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



complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the District's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

#### Corrective Actions

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

If the District finds merit in a complaint regarding pupil fees; Local Control and Accountability Plan (LCAP); education of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families; reasonable accommodations to a lactating pupil; course periods without education content (grades nine through twelve); and physical education instructional minutes (grades one through eight), the District shall provide a remedy.

The remedy shall go to the affected pupil in the case of complaints regarding:

- Course periods without educational content;
- Reasonable accommodations to a lactating pupil; and,
- Education of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in our district, and pupils in military families.

The remedy shall go to all affected pupils and parents/guardians in the case of complaints regarding:

- Pupil fees;
- Physical education instructional minutes; and,
- LCAP.

For complaints involving retaliation or unlawful discrimination (including harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim, but not communicated to the respondent may include, but are not limited to, the following:

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

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

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

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, the District shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The District may also consider training and other interventions for the larger school community to ensure that students, staff,

and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the District does not tolerate it, and how to report and respond to it.

#### Appeals to the California Department of Education (CDE)

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

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the District's final written decision, he/she, in the same manner as the complainant, may file an appeal with the CDE.

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

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

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

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California

Regulation Adopted: September 16, 1992 Revised: Feb. 5, 2001; Oct. 4, 2004; Jan. 26, 2009; Oct. 5, 2015; Dec. 7, 2015; December 11, 2017; February 5, 2019; June 17, 2019

### **HESPERIA UNIFIED SCHOOL DISTRICT EXHIBIT 1312.3 – UNIFORM COMPLAINT PROCEDURES FORM**

#### **UNIFORM COMPLAINT/TITLE IX FORM**

Hesperia Unified School District  
15576 Main Street  
Hesperia, CA 92345  
(760) 244-4411 Extension 7316

OFFICIAL USE ONLY	
Issue #:	School/Site:
Date Issued:	Date Returned:
Time:	Time:
Signature of Administrator:	Signature of Administrator:

NAME \_\_\_\_\_

(please print)

ADDRESS \_\_\_\_\_

HOME PHONE \_\_\_\_\_ WORK PHONE \_\_\_\_\_

DATE \_\_\_\_\_

1. My concern is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. I have taken the following steps to inform the local education officials about the problem (phone calls, conferences, letters – when and with whom?): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. I have received the following response(s): \_\_\_\_\_  
\_\_\_\_\_

4. My relationship to the problem is (Describe your interest as a parent, teacher, administrator, agency employee or student): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. I think the following should be done: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Request for action:

The foregoing statements are true to the best of my knowledge. I request the Hesperia Unified School District conduct an investigation to resolve the issue(s) identified.

Please note: This Uniform Complaint/Title IX Form must be returned to the Hesperia Unified School District – Student Services Department to start the District’s investigation and to activate the appropriate timelines. Please call the Student Services Department for more information at (760) 244-4411 extension 7316.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

**HESPERIA UNIFIED SCHOOL DISTRICT**  
Exhibit version: November 5, 2018 Hesperia, California  
revised: August 5, 2019

## **HESPERIA UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION 1312.4 – WILLIAMS** **UNIFORM COMPLAINT PROCEDURES**

### **Types of Complaints**

The district has several types of complaint procedures that have been designed to deal with a variety of issues. District and site administrators will review each complaint to ensure that the proper forms, procedures, and timelines are followed. In the event that a complaint is inappropriately submitted, the administrator reviewing the complaint will notify the complainant, and work with them to file the complaint properly. The district shall use the following procedures to investigate and resolve complaints only when the complainant alleges that any of the following has occurred: (Education Code 35186)

1. A complaint related to textbooks and instructional materials as follows:

- a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- b. A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- d. A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(cf. 6161.1 - *Selection and Evaluation of Instructional Materials*)

2. A complaint related to teacher vacancy or misassignment as follows:

- a. A semester begins and a teacher vacancy exists.
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
- c. (cf. 4112.22 - *Staff Teaching Students of Limited English Proficiency*)
- d. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

*Teacher vacancy* means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

*Beginning of the year or semester* means the first day classes necessary to serve all the pupils enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day pupils attend classes for that semester. (5 CCR 4600)

*Misassignment* means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(Education Code 35186; 5 CCR 4600)

(cf. 4112.2 - *Certification*)

(cf. 4113 - *Assignment*)

3. Facilities

- a. A condition poses an emergency or urgent threat to the health or safety of pupils or staff.

*Emergency or urgent threat* means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

*Clean or maintained school restroom* means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers. (Education Code 35292.5)

*Open restroom* means the school has kept all restrooms open during school hours when pupils are not in classes and has kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when the temporary closing of the restroom is necessary for pupil safety or to make repairs. (Education Code 35292.5)

### **Filing of Complaint**

A complaint alleging any condition(s) specified in items #1-3 in the section entitled "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. (Education Code 35186; 5 CCR 4680)

A complaint alleging any deficiency specified in item #4 in the section entitled "Types of Complaints" above shall be filed with a district official designated by the Superintendent. Such complaints may be filed at the district office or school site and shall be immediately forwarded to the Superintendent or designee. (Education Code 35186)

### **Investigation and Response**

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Board of Education at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3a in the section entitled "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response.

The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)  
(*cf. 1340 - Access to District Records*)

### **Reports**

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting. (Education Code 35186; 5 CCR 4686)

### **Forms and Notices**

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

*Legal Reference:*

*EDUCATION CODE*

*1240 County superintendent of schools, duties*

*17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account*

*33126 School accountability report card*

*35186 Williams uniform complaint procedure*

*35292.5 Restrooms, maintenance and cleanliness*

*37254 Supplemental instruction based on failure to pass exit exam by end of grade 12*

*48985 Notice to parents in language other than English*

*60119 Hearing on sufficiency of instructional materials*

*CODE OF REGULATIONS, TITLE 5*

*4600-4687 Uniform complaint procedures, especially:*

*4680-4687 Williams complaints*

*Management Resources:*

*WEB SITES*

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

*California County Superintendents Educational Services Association: <http://www.ccsesa.org>*

*California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>*

*State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>*

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California

Regulation approved: December 7, 2015; February 5, 2019

## **HESPERIA UNIFIED SCHOOL DISTRICT EXHIBIT (2) 1312.4 – WILLIAMS UNIFORM COMPLAINT FORM**

### **WILLIAMS UNIFORM COMPLAINT PROCEDURES**

To be filled out by administrator:

Date form was submitted: \_\_\_\_\_

Administrator who received form: \_\_\_\_\_

### **COMPLAINT FORM:**

### **WILLIAMS UNIFORM COMPLAINT PROCEDURES**

To be filled out by person who has the concern. Please fill out the following form as it relates to your concern and return to the school site administrator where your concern was generated.

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Please note: Copies of the complaint procedures will be provided free of charge. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

Contact Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
Phone Number Day: \_\_\_\_\_ Phone Number Evening: \_\_\_\_\_  
E-mail address, if any: \_\_\_\_\_  
Location of the problem that is the subject of this complaint: \_\_\_\_\_  
School: \_\_\_\_\_  
Course title/grade level and teacher name: \_\_\_\_\_  
Room number/name of room/location of facility: \_\_\_\_\_  
Date problem was observed: \_\_\_\_\_

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

- ☐ A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- ☐ A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- ☐ Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- ☐ A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)

- ☐ A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.
- ☐ A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
- ☐ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions: (Education Code 35186, 35292.5; 5 CCR 4683)

- ☐ A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition.
- ☐ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.



\_\_\_\_\_ The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

Please file this complaint at the following location:

\_\_\_\_\_  
(Principal or Title of Designee of The Superintendent)

\_\_\_\_\_  
(Address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California  
Exhibit version: August 25, 2008; December 7, 2015; February 5, 2019; August 5, 2019

## PUPIL DISCIPLINE

### **HESPERIA UNIFIED SCHOOL DISTRICT BOARD POLICY 5132 – DRESS CODE**

The Board of Education believes that appropriate dress and grooming contribute to a productive and safe learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing and possessions must not present a health or safety hazard or a distraction, which would interfere with the educational process.

When gangs constitute a danger to students, the Superintendent or designee may restrict student dress and grooming as necessary to comply with Board policy related to gang activity. The dress policy is applicable to all of the district's functions and activities.

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

#### *Legal Reference:*

##### *EDUCATION CODE*

*32281 School safety plans*

*35183 School dress codes; uniforms*

*35183.5 Sun-protective clothing*

*48907 Student exercise of free expression*

*49066 Grades; effect of physical education class apparel*

##### *CODE OF REGULATIONS, TITLE 5*

*302 Pupils to be neat and clean on entering school*

##### *COURT DECISIONS*

*Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993)*

*827 F.Supp.*

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California  
Policy adopted: December 11, 2006; January 20, 2015

## **HESPERIA UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION 5132 – DRESS CODE**

Local law enforcement officials indicate that certain types of dress and colors contribute to gang association and violence. Students wearing gang attire become targets for violence even though they are not gang members. In addition, the baggy, oversized clothing now identified as gang related, presents a safety hazard since it allows students to more readily conceal dangerous objects such as knives, and other weapons or provide hiding places for drugs and drug paraphernalia. Accordingly, the following types of clothing have been identified as unacceptable dress:

- Clothing, jewelry, and personal items that a student has including notebooks, folders, book covers, magazines, drawings, pictures, fanny packs, gym bags, water bottles, backpacks, or any other item that disrupts the instructional process.
- Hats other than unaltered school approved hats (properly worn)
- Oversized clothing such as shorts, pants, coats, etc. Pants or shorts must fit at the waist.
- Items that promote hate, intolerance or violence
- Unsafe jewelry and accessories, including wallet chains and belts hanging from the waist
- Visible undergarments
- Clothing with profanity, that is too tight, revealing or sexually provocative
- Clothing with pictures, insignia or brand names for controlled substances, tobacco or Alcohol
- Bandannas
- Unsafe footwear including house slippers. Additional footwear requirements may be imposed on students in specific classes such as: physical education, science and shop.
- Raiders and Kings clothing, "LA" and "Skin" labels, and any additional articles of clothing or accessories identified by the HUSD School Police Department as being gang or hate group related will be forbidden on campus or any other school function or activity including sporting events.

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California  
Regulation approved: December 11, 2006 Regulation Revised: January 20, 2015; August 5, 2019

## **STUDENT SEARCHES**

The Board of Education is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items.

School officials may search any individual student, his/her property, or district property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, student vehicles parked on district property, cellular phones, or other electronic communication devices.

Any search of a student, his/her property, or district property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

- Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)
- Searches of individual students shall be conducted in the presence of at least two district employees.

- The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

In determining whether reasonable suspicion exists, school officials shall consider:

1. The student's age and previous behavior patterns
2. The prevalence and seriousness in the school of the problem to which the search was directed
3. The urgency requiring the search without delay
4. The substantive value and reliability of the information used as a justification for the search
5. The location of the student at the time of the incident which gave rise to reasonable suspicion

Searches shall be made in the presence of a least one other district employee. Employees will not conduct strip searches or body cavity searches.

## **SUSPENSION AND EXPULSION**

### **Definitions**

*Suspension from school* means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

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

*Expulsion* means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

*Stay of Expulsion/Suspension of Expulsion* means even though the Board has expelled a student, it believes the student deserves another opportunity to continue his/her education and so will not enforce the expulsion, but will allow the student to: 1) continue to attend his/her regular school; or 2) will place the student in another school, class or program that is deemed appropriate for the rehabilitation of the student. During the period of the stay of expulsion, the student is deemed to be on a probationary status. If the student on a stay commits any act listed in Section 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915, the Board may revoke the stay of expulsion and the student is expelled under the terms of the original expulsion order.

*Day* means a calendar day unless otherwise specifically provided. (Education Code 48925)

*School day* means a day upon which the schools of the District are in session or weekdays during the summer recess. (Education Code 48925)

*Student* includes a student's parent/guardian or legal counsel. (Education Code 48925)

*Principal's designee* means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

### **Grounds for Suspension and Expulsion**

A student, including a student with disabilities, may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(a) and (t))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))
3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant. (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

Note: No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900) Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k)) Commencing July 1, 2020, these provisions will apply to charter schools. Commencing July 1, 2020, the bill would additionally prohibit the suspension of a pupil enrolled in a school district of charter school in grades 4-5 for disrupting school activities or otherwise willfully defy the valid authority of those school personnel engaged in the performance of their duties. The bill, from July 1, 2020, until July 1, 2025, would prohibit the suspension of a pupil enrolled in a school district or charter school in any of grades 6 to 8, inclusive, for those acts.

12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. Possessed an imitation firearm, i.e., 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. (Education Code 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription Soma (Education Code 48900(p))
17. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))  
Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education 48900(q))
18. Engaged in an act of bullying (Education Code 48900(r)) Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act directed toward one or more students that has or can reasonably be predicted to have the effect of one or more of the following:
  - A. placing a reasonable student(s) in fear of harm to himself/herself or his/her property;
  - B. causing a reasonable student to experience a substantially detrimental effect on his/her physical or mental health; or
  - C. causing a reasonable student to experience substantial interference with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

Bullying shall include any act of sexual harassment, hate violence, harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, and 48900.4, that has any of the effects described above on a reasonable student. Electronic act means the creation or transmission of a communication originated on or off the school site, including, but not limited to, a message, text, sound, image, a post on a social network Internet website, or an act of cyber sexual bullying, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include,

but is not limited to, posting or creating a burn page, or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Cyber sexual bullying means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student 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 of bullying described above. 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.

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

19. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 may be subject to suspension, but not expulsion. (Education Code 48900(t))
20. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

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

### **Additional Grounds for Suspension and Expulsion: Grades 4-12**

A student in grades 4 through 12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

1. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)  
Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment (Education Code 212.5, 48900.2)
2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233, subdivision (e) (Education Code 48900.3)  
Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)
3. Intentionally engaged in harassment, threats, or intimidation against District personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantially disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any District school under the jurisdiction of the Superintendent or principal or within any other school District, including but not limited to the following circumstances: (Education Code 48900)

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

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

### **Mandatory Recommendation for Expulsion**

The principal, Superintendent or designee shall recommend the expulsion of a student for any of the following acts, unless the principal, Superintendent or designee determines that expulsion is inappropriate due to the particular circumstances or that an alternative means of correction would address the conduct: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense.

2. Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student.
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053- 11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or a student's possession of over the counter medication for his/her use or other medication prescribed from him/her by a physician.
4. Robbery or extortion.
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

### **Mandatory Recommendation and Mandatory Expulsion**

The principal, Superintendent or designee shall immediately suspend, pursuant to Section 48911, and shall recommend that the Board expel any student found at school or at a school activity off school grounds to be: (Education Code 48915(c))

1. Possessing, as verified by a District employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife as defined in Education Code 48915(g) at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possessing an explosive.

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

### **30-DAY EXCLUSION**

Students who are suspended under California Education Codes 48900 through 48915 will be subject to a 30-day exclusion from attending any school-sponsored extracurricular event and/or activity following his/her last issued suspension day.

## **SCHOOL SAFETY**

### **CLOSED CAMPUS**

The School Board Policy of Hesperia Unified School District mandates that our schools operate under a closed campus policy. All students are not permitted access to unauthorized or off-limit areas or to leave campus from the time of arrival on campus until the completion of their school day without permission. Violation of the closed campus policy could result in progressive disciplinary action up to and including expulsion.

### **DISASTER PREPAREDNESS**

It is important for both parents and students to know that all students will be kept at school if a major disaster occurs during school hours. In addition, parents must know that if students are kept at school, they will not be released until signed for by the person(s) listed on the emergency card with proper identification. Disaster preparedness manuals can be viewed in the front office of each school site.

### **EMERGENCY PREPAREDNESS**

All HUSD schools work diligently to make sure that students and staff are prepared for emergencies. Every school has an emergency plan that provides guidance for the school staff in an emergency. Every school conducts regular emergency drills that accommodate persons with disabilities and meet or exceed the state mandated requirements, such as:

- Fire Drill – Every elementary school practices this procedure once a month; every middle school practices this procedure four times a year; every high school practices this procedure twice a year.
- Earthquake Exercise – Once a year, all schools conduct a full-scale earthquake exercise as part of the Great California Shake Out which includes the Drop, Cover, and Hold (Earthquake) Drill. Schools use this drill to remind students how to protect themselves during an earthquake. The drill is scheduled in the fall and all the elements of the school's disaster plan are practiced District-wide.



- Code Red Lockdown Drill/Shelter-In-Place Drill – Twice a year, once in the fall and once in the spring, schools practice how they will respond to a threat of violence or an environmental hazard on or near the campus.

Parents are asked to make sure that their students actively participate and take emergency drills seriously. These drills help make public schools the safest place for students during an emergency. Each school site stocks emergency supplies to sustain students and staff. These supplies include: water, food, first aid supplies, search and rescue supplies, and sanitation items. These supplies are checked regularly by school staff. In the event of a disaster, the school may need to care for your child for several days if you are unable to reach the school. It is important to have adequate emergency medical supplies on hand. School sites request that parents bring a 72-hour supply of any prescription medications for their child to the school health office with proper documentation. Medications should be in a container with the pharmacy label listing the child's name, the name and dosage of the medication, and instructions for administering the medication from the physician. This form is available in the office or online and must be renewed annually.

Parents should be familiar with the school's emergency procedures and update contact information whenever it changes. In addition, parents must know that if their children are kept at school, they will not be released until signed for by the person(s) listed on the emergency card with proper identification. It is also important that parents keep their cell phone with them to receive recorded updates on the emergency. Knowing where to go to pick-up their child will save time and reduce anxiety. Parents should remember that schools have emergency procedures in place to protect all students and that schools will follow these procedures during an emergency.

Parents should also remember that children look to them for guidance and support during an emergency; parents who are calm and are prepared for emergencies can inspire children to do the same. This will go a long way to promote recovery and a return to normalcy. Parents who have questions about their school's emergency procedures are encouraged to contact the school.

### **THREATS**

All reported threats to our schools are taken seriously and investigated thoroughly. Verbal threats or threats posted on social media can carry serious legal consequences and school discipline. If an investigation uncovers a substantiated threat has been made, an arrest may occur. Fake threats are not a joke. Please do not post or share verbal/online threats. Do report any threat to a school administrator immediately.

### **SECURITY CAMERAS**

In order to maximize the safety of students, staff, and school property, surveillance/video cameras are used in a variety of areas on all school campuses. Evidence of vandalism, graffiti, or criminal activity recorded on the cameras will be downloaded and forwarded to law enforcement for possible arrest and prosecution. Recorded events from the surveillance/video camera systems may be downloaded and used as evidence in specific student discipline matters.

### **VISITOR(S) CHECK-IN PROCEDURES**

Parents are always welcome at our school sites. We ask that an appointment be made in order to visit a classroom. Parents/guardians must go to the front office and sign in. Visitors will be given a visitor's pass. A campus assistant/proctor will be contacted to escort the visitor. Former students or minors who attend school elsewhere are not allowed on campus for security reasons. Visitors should return their pass and check out through the front office upon leaving campus.

## **SEXUAL HARASSMENT**

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

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

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

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

Management Resources:

CSBA PUBLICATIONS

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

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

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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>

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California

Policy adopted: May 8, 2013; January 20, 2015 Revised: June 17, 2019

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

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

Be provided to employees and employee organizations

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California

Regulation adopted: May 8, 2013; January 20, 2015 Revised: June 17, 2019

## **SPECIAL EDUCATION**

### **SPECIAL EDUCATION**

Special education is defined by federal and state law as specially designed instruction, at no cost to the parent, to meet the unique needs of a child with a disability, whose educational needs cannot be met with accommodations and/or modifications of the general education setting. Related services, are provided when required for the child to benefit from special education. Children with significant physical, communicative, or learning needs may be eligible for special education and related services.

### **WHO MAY RECEIVE SPECIAL EDUCATION SERVICES?**

In order to be eligible for special education, students between the ages of 3 and 22 must have one or more of the following state and federally recognized disabilities:

- Intellectual Disability
- Hard of Hearing
- Deafness
- Speech or Language Impairment
- Visual Impairment
- Emotional Disturbance
- Orthopedic Impairment
- Other Health Impairment
- Established Medical Disability (0-5 years only; CA definition only)
- Specific Learning Disability
- Deaf-Blindness
- Multiple Disabilities
- Autism
- Traumatic Brain Injury
- Children from birth until their 3<sup>rd</sup> birthday may be eligible for special education early intervention services if they meet eligibility criteria. These early intervention services are provided through outside agencies.

### **DO DIFFERENT AGENCIES USE DIFFERENT TERMS AND GUIDELINES?**

Yes. Since various state and federal agencies operate under different laws and guidelines, the eligibility criteria may differ significantly. The same term may also be used by various agencies with different meanings. This can be very frustrating and confusing to parents seeking assistance for their child. Therefore, parents should ask for clarification of terms from any agency providing services. School districts must adhere to the Individuals with Disabilities Education Act (IDEA) and California Education Code laws and regulations in the determination of eligibility and the provision of special education services.

## **DO ALL STUDENTS WITH AN IDENTIFIED DISABILITY REQUIRE SPECIAL EDUCATION?**

No. Special education is not for all children with disabilities. The educational needs of many students with disabilities can be met with accommodations and/or modifications to the general education program. If after a complete evaluation your child requires special education, an

Individualized Education Program (IEP) will be developed to specify appropriate special education services. For children from birth until their 3<sup>rd</sup> birthday, an Individualized Family Service Plan (IFSP) is developed.

## **WHAT IS AN INDIVIDUALIZED EDUCATION PROGRAM (IEP)?**

An IEP is a written document that is developed, reviewed, and revised for a child with a disability at least yearly by a team that includes you as the child's parent. Each required component of the IEP is discussed by the team and recorded on the IEP form, including:

1. The strengths, interests, and learning preferences of the student;
2. The child's present levels of academic achievement and functional performance, including the results of the initial or most recent evaluation of the child and/or the results of the child's performance on any general state or district wide assessment programs as appropriate;
3. Measurable annual goals, including academic and functional goals, and benchmarks or short-term objectives for children with disabilities who take alternate assessments aligned to alternate achievement standards. Goals are developed to meet the child's needs that result from the disability to enable the child to be involved in and progress in the general education curriculum (or appropriate activities for preschool children) or to meet each of the child's other educational needs that result from the disability;
4. The concerns of the parent for enhancing the education of their child;
5. A description of how the child's disability affects involvement and progress in the general education curriculum, or for preschoolers, participation in appropriate activities;
6. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and extracurricular activities;
7. A statement of the supplemental aids and services, based on peer-reviewed research to the extent practicable, to be provided to or on behalf of the student, including low incidence specialized equipment and services;
8. A statement of program modifications or supports for school personnel that are required for the child to advance appropriately toward attaining the annual goals specified in the IEP;
9. A determination of the student's need for assistive technology devices and services, or low incidence services, equipment, and materials to meet the educational goals and objectives;
10. A statement of how the child's progress on the annual goals will be measured and when periodic reports on the progress will be provided to the parents;
11. If the child is Limited English Proficient, a consideration of the language needs of the child as such needs relate to the child's IEP;
12. If the child is Deaf or Hard of Hearing, a consideration of the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode;
13. If the child's behavior impedes his/her learning or that of others, a description of positive behavioral interventions and supports, and other strategies, to address the behavior, including a Behavior Intervention Plan (BIP);
14. If the child is blind or visually impaired, a provision for instruction in Braille or the use of Braille unless the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the child;
15. Beginning not later than the first IEP to be in effect when the child is 16, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills and the transition services (including courses of study) needed to assist the child in reaching those goals;
16. For students age 17 or older, a statement that the student has been apprised of his or her rights at the age of majority;
17. A statement of the special education and related services, based on peer-reviewed research to the extent practicable, to be provided to the child, including the projected date for beginning the services and modifications, anticipated frequency, location, and duration of those services and modifications;
18. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state and district wide assessments, or for a child that will take an alternate



assessment, a statement of why the child cannot participate in the regular assessment and that the particular alternate assessment selected is appropriate for the child;

19. For students in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation;
20. Linguistically appropriate goals, objectives, programs, and services for students whose native language is not English;
21. Provision for transition into the regular education program if the student is to be transferred from a special class or center or nonpublic, nonsectarian school into a regular education program in a public school for any part of the school day;
22. The determination of the need for Extended School Year, participation in Workability, and specialized transportation services; and/or
23. Parental consent to all or part of the IEP.

### **IS THE IEP PROCESS ANY DIFFERENT WHEN MY CHILD IS OLDER?**

In addition to all the requirements of the IEP for younger children, beginning not later than the first IEP to be in effect when the child is 16 (or younger if determined appropriate), the IEP will also include an Individual Transition Plan (ITP). Your child will be invited and should attend all transition plan meetings. With your permission, other agencies may also be invited to participate in planning a smooth transition for your child from school to post-school activities. The ITP includes measurable postsecondary goals based upon age-appropriate transition assessments related to education, training and/or employment, and, where appropriate, independent living skills. The ITP also includes transition services (including courses of study) needed to assist the child in reaching those goals.

### **WHEN AND HOW IS THE IEP IMPLEMENTED?**

You must first give your written permission for evaluation and then again for the initial IEP before any services can be implemented. No services can be provided, however, until your written permission is provided to the district.

## **STUDENT SERVICES**

### **CUSTODY**

If your student has special or unique custody or visitation arrangements, it is most important that you bring this to the attention of the office staff. A copy of the "Order to Show Cause" document of final divorce papers should be given to the office. California State Law allows both biological parents of a child to pick up that child from school unless court documents state otherwise. Please understand that without specific court documents to the contrary, the non-custodial parent may sign out and remove the child from school.

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 starting 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. Parents are asked to make every attempt not to involve school sites in custody matters. It is the policy of HUSD to not have staff write letters of support for one party or another. 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 a child.

### **EMERGENCY CARDS**

Each year parents will be asked to update their emergency card digitally via Infinite Campus with current information regarding address, home, work, and emergency contacts and phone numbers. Cell phone numbers are encouraged. The emergency numbers should be relatives or friends nearby who can care for your child in the event that a parent cannot be reached. Persons listed from "down the hill" may not be your best choice in the case certain emergencies such as natural disasters. Students will be released ONLY to persons named on the emergency card. In case of an emergency, students will remain at school until an authorized person arrives.

### **FEES**



The district shall charge only those fees specifically authorized by law. (5 CCR 350)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438) If the district is withholding grades, diploma, or transcripts from the student because of his/her damage to or loss of school property, this information shall still be sent to a requesting district along with the student's records.

### **HESPERIA UNIFIED SCHOOL DISTRICT BOARD POLICY 6145.2 – ATHLETIC COMPETITION**

The Board of Education recognizes that the district's athletic program constitutes an integral component of the educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The athletic program shall be designed to meet students' interests and abilities and shall be varied in scope to attract wide participation.

*(cf. 3541.1 - Transportation for School-Related Trips)*

*(cf. 5030 - Student Wellness)*

*(cf. 5137 - Positive School Climate)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 7110 - Facilities Master Plan)*

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, sports skills, and sportsmanship. Athletic events shall be officiated by qualified personnel.  
*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*

The Board encourages business and community support for district athletic programs, subject to applicable district policies and regulations governing advertisements and donations.

*(cf. 1260 - Educational Foundation)*

*(cf. 1321 - Solicitation of Funds from and by Students)*

*(cf. 1325 - Advertising and Promotion)*

*(cf. 1700 - Relations Between Private Industry and the Schools)*

*(cf. 3290 - Gifts, Grants and Bequests)*

#### **Nondiscrimination and Equivalent Opportunities in the Athletic Program**

The district's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law. The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females.

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

Any complaint regarding the district's athletic program shall be filed in accordance with the district's uniform complaint procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

#### **California Interscholastic Federation**

The Board maintains membership in the California Interscholastic Federation (CIF) and requires that interscholastic athletic activities be conducted in accordance with Board policy, administrative regulations, and CIF bylaws and rules. The Superintendent or designee shall have responsibility for the district's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for site-level decisions, as appropriate.

Upon recommendation of the Superintendent, the Board shall annually designate an employee from each high school to serve as a representative to the local CIF league. Appointees shall represent the district in performing all duties required by the CIF league. In making this selection, the Board shall consider the employee's understanding of the district's goals for student learning and interscholastic and extracurricular activities, knowledge of the athletic programs, awareness of the implications of league decisions for the school and the district, and individual interpersonal communication and leadership skills.

The Superintendent or designee shall ensure that the district representatives to CIF report regularly to the Board on league, section, and statewide issues, as well as activities and prospective actions related to athletic programs.

*(cf. 0500 - Accountability)*

### **Student Eligibility**

Participation in the district interscholastic athletic program is limited to those students who maintain minimum progress toward completing district graduation requirements, maintain the required grade point average established by the Board for participation in extracurricular and co-curricular activities, and meet other district and CIF eligibility requirements including attendance at the school in which the student is enrolled.

*(cf. 3530 - Risk Management/Insurance)*

*(cf. 5111.1 - District Residency)*

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

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6162.52 - High School Exit Examination)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6173.2 - Education of Children of Military Families)*

A student is scholastically eligible to participate in interscholastic athletics if:

- The student is currently enrolled in at least 20 semester periods of work;
- The student passed in at least 20 semester periods of work at the completion of the last regular grading period; and
- During the previous grading period, the student maintained a minimum of passing grades which is defined as at least a 2.0 grade point average in all enrolled courses on a 4.0 scale.

Students not maintaining a 2.0 or C grade point average will be placed on probation for one grading period and will remain eligible to participate in interscholastic athletics during the probationary period.

In addition, the Superintendent or designee shall ensure that students participating in interscholastic athletics governed by CIF satisfy CIF eligibility requirements.

Students shall not be charged a fee to participate in an athletic program.

*(cf. 3260 - Fees and Charges)*

### **Athletic Travel**

The Board recognizes the value of interscholastic competitions and the fact that there are numerous opportunities to compete locally in Southern California, in Northern California and in adjacent states. The Board expects athletic directors and coaches to utilize competition opportunities locally and in the Southern Section of CIF to minimize travel and class time missed by student athletes, teacher and other employee coaches. In cases of CIF Regional and State Finals, the Board authorizes travel to the designated competition site in California.

With the exception of CIF Regionals and Finals, athletic directors who wish to send teams to competitions or tournaments outside of the CIF Southern Section must annually receive prior permission of the Superintendent. The Superintendent will grant permission only if it can be demonstrated to his satisfaction that no other tournaments which are closer in proximity are available, that the students will be continuously supervised by district staff, that there is an adequate plan for travel/housing, and that students and staff will not miss an unacceptable amount of class time. Competition/tournament trips approved by the Superintendent also require that student athletes make up all work that is missed and that the school's athletic budget pay substitute costs for employees accompanying the students on the trip. The Superintendent's decision on athletic travel outside the CIF Southern Section shall be final.

### **Sportsmanship**

The Board values the quality and integrity of the athletic program and the character development of student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship and the Codes of Conduct adopted by CIF.

Students and staff may be subject to disciplinary action for improper conduct.

*(cf. 3515.2 - Disruptions)*

*(cf. 4118 - Suspension/Disciplinary Action)*

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

*(cf. 5131 - Conduct)*  
*(cf. 5131.1 - Bus Conduct)*  
*(cf. 5131.4 - Student Disturbances)*  
*(cf. 5144 - Discipline)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))*

### **Health and Safety**

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities. Students shall have a medical clearance before participating in interscholastic athletic programs. Care shall be taken to ensure that all athletic trainings and competitions are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

*(cf. 5131.61 - Drug Testing)*  
*(cf. 5131.63 - Steroids)*  
*(cf. 5141.3 - Health Examinations)*  
*(cf. 5141.6 - School Health Services)*  
*(cf. 5141.7 - Sun Safety)*  
*(cf. 5143 - Insurance)*

Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. The Superintendent or designee shall ensure that all athletic equipment is cleaned and inspected for safety before the beginning of each school year.

*(cf. 5142 - Safety)*

In the event that an injury occurs, the coach or other appropriate district employee shall observe universal precautions and shall remove the student athlete from the activity and/or seek medical treatment for the student as appropriate.

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*  
*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*  
*(cf. 5141 - Health Care and Emergencies)*  
*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*  
*(cf. 5141.22 - Infectious Diseases)*

*Legal Reference:*

#### **EDUCATION CODE**

*200-262.4 Prohibition of discrimination*  
*270-271 Athletes' Bill of Rights*  
*17578 Cleaning and sterilizing of football equipment*  
*17580-17581 Football equipment*  
*32221.5 Required insurance for athletic activities*  
*33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program*  
*33354 California Department of Education authority over interscholastic athletics*  
*35160.5 District policies; rules and regulations*  
*35179 Interscholastic athletics*  
*48850 Interscholastic athletics; students in foster care*  
*48900 Grounds for suspension and expulsion*  
*48930-48938 Student organizations*  
*49020-49023 Athletic programs; legislative intent, equal opportunity*  
*49030-49034 Performance-enhancing substances*  
*49458 Health examinations, interscholastic athletic program*  
*49475 Health and safety, concussions and head injuries*  
*49700-49701 Education of children of military families*  
*51242 Exemption from physical education for high school students in interscholastic athletic program*

#### **PENAL CODE**

*245.6 Hazing*

#### **CODE OF REGULATIONS, TITLE 5**

*4900-4965 Nondiscrimination in elementary and secondary education programs, especially:*  
*4920-4922 Nondiscrimination in intramural, interscholastic, and club activities*

5531 *Supervision of extracurricular activities of students*  
 5590-5596 *Employment of noncertificated coaches*  
 UNITED STATES CODE, TITLE 20  
 1681-1688 *Discrimination based on sex or blindness, Title IX*  
 CODE OF FEDERAL REGULATIONS, TITLE 34  
 106.31 *Nondiscrimination on the basis of sex in education programs or activities*  
 106.33 *Comparable facilities*  
 106.41 *Nondiscrimination in athletic programs*  
 COURT DECISIONS  
*Mansourian v. Regents of University of California*, (2010) 594 F. 3d 1095  
*Kahn v. East Side Union High School District*, (2004) 31 Cal. 4th 990t  
*McCormick v. School District of Mamaroneck*, (2004) 370 F.3d 275  
*Hartzell v. Connell*, (1984) 35 Cal. 3d 899  
 Management Resources:  
 CSBA PUBLICATIONS  
*Student Fees Litigation Update*, Education Legal Alliance Advisory, May 20, 2011  
*A School Board Member's Guide to CIF and Interscholastic Sports*, 1997  
 CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS  
*California Interscholastic Federation Constitution and Bylaws*  
*A Guide to Equity in Athletics*  
*Acute Concussion Evaluation (ACE) Care Plan*, 2006  
*Pursuing Victory with Honor*, 1999  
 CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS  
*Heads Up: Concussion in High School Sports, Tool Kit*, June 2010  
*Heads Up: Concussion in Youth Sports, Tool Kit*, July 2007  
 OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS  
*Intercollegiate Athletics Policy Clarification: The Three-Part Test - Part Three, Dear Colleague letter*,  
 April 20, 2010  
 WEB SITES  
 CSBA: <http://www.csba.org>  
 California Department of Education: <http://www.cde.ca.gov>  
 California Interscholastic Federation: <http://www.cifstate.org>  
 Centers for Disease Control and Prevention, Concussion Resources: <http://www.cdc.gov/concussion>  
 National Federation of State High School Associations: <http://www.nfhs.org>  
 National Operating Committee on Standards for Athletic Equipment: <http://www.nocsae.org>  
 U.S. Anti-Doping Agency: <http://www.usada.org>  
 U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California  
 Policy adopted: May 4, 2015

## **HESPERIA UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION 6145.2 – ATHLETIC COMPETITION**

### **Nondiscrimination and Equivalent Opportunities in the Athletic Program**

No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, or any other basis specified in law. (Education Code 220, 221.5, 230; 5 CCR 4920; 34 CFR 106.41)

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

The Superintendent or designee may provide single-sex teams where selection for the teams is based on competitive skills.

Each student shall be allowed to participate in any single-sex athletic program or activity consistent with his/her gender identity and for which he/she is otherwise eligible to participate, irrespective of the gender listed on the student's records. (Education Code 221.5)

*(cf. 5125 – Student Records)*

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete for the team regardless of sex, gender, gender identity, gender expression, sexual orientation, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

The Superintendent or designee shall ensure that equivalent opportunities are available to both sexes in athletic programs, by considering, among other factors (5 CCR 4922; 34 CFR 106.41):

1. Whether the offered selection of sports and levels of competition effectively accommodates the interests and abilities of both sexes

The athletic program may be considered to effectively accommodate the interests and abilities of both sexes using any one of the following criteria: (Education Code 230)

- a. Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments.
  - b. Where the members of one sex have been and are underrepresented among interscholastic athletes, the District can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex.
  - c. Where the members of one sex are underrepresented among interscholastic athletes and the District cannot show a history and continuing practice of program expansion as required in item #b above, whether the District can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.
2. The provision and maintenance of equipment and supplies
  3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
  4. Travel and per diem allowances
  5. Opportunities to receive coaching and academic tutoring
  6. Assignment and compensation of coaches and tutors
  7. Provision of locker rooms, practice facilities, and competitive facilities
  8. Provision of medical and training facilities and services
  9. Provision of housing and dining facilities and services
  10. Publicity
  11. Provision of necessary funds

At the end of every school year, each school that offers competitive athletics shall post the following information on its school website, or on the District website if the school does not have a website: (Education Code 221.9)

1. The total enrollment of the school, classified by gender
  2. The number of students enrolled at the school who participate in competitive athletics, classified by gender
  3. The number of boys' and girls' teams, classified by sport and by competition level
- (cf. 1113 - District and School Web Sites)*

The data reported for items #1-3 above shall reflect the total number of players on a team roster on the official first day of competition. The materials used to compile this information shall be retained by the school for at least three years after the information is posted on the web site. (Education Code 221.9)

*(cf. 3580 - District Records)*

### **Health and Safety**

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians a concussion and head injury information sheet. The student and parent/guardian shall sign and return the information sheet before the student's initiating practice or competition. (Education Code 49475)

*(cf. 5145.6 - Parental Notifications)*

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider trained in the management of concussions and receives the health care

provider's written clearance to return to the activity. If the health care provider determines that the athlete sustained a concussion or a head injury, the athlete shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider. (Education Code 49475)

The Superintendent or designee shall notify the student's parent/guardian of the date, time, and extent of any injury suffered by the student and any actions taken to treat the student.

The Superintendent or designee shall provide training to coaches, athletic trainers, and/or school nurses regarding concussion symptoms, prevention, and appropriate response.

*(cf 4127/4227/4327 - Temporary Athletic Team Coaches)*

A middle school or high school football team shall not hold a full-contact practice during the offseason and shall not conduct more than two full-contact practices per week during the preseason and regular season (from 30 days before the commencement of the regular season until the completion of the final interscholastic football game of that season). In addition, the full-contact portion of a practice shall not exceed 90 minutes in any single day. For these purposes, full-contact practice means a practice where drills or live action is conducted that involves collisions at game speed, where players execute tackles and other activity that is typical of an actual tackle football game. (Education Code 35179.5) Coaches and appropriate District employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. Whenever an athlete incurs an injury or wound that produces bleeding or other bodily fluids, the athlete shall be appropriately treated as soon as possible, using universal precautions.

### **Parental Notifications**

Before a student participates in interscholastic athletic activities, the Superintendent or designee shall send the student's parents/guardians a notice which:

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the District's Title IX Coordinator  
*(cf 1312.3 - Uniform Complaint Procedures)*  
*(cf 5145.3 - Nondiscrimination/Harassment)*
2. Includes a copy of the students' Title IX rights pursuant to Education Code 221.8
3. Explains that there is an element of risk associated with all athletic competitions and that the District cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare  
*(cf. 3530 - Risk Management/Insurance)*
4. Provides information about insurance protection pursuant to Education Code 32221.5  
*(cf. 5143 - Insurance)*
5. Requests parental permission for the student to participate in the program and, if appropriate, be transported by the District to and from competitions  
*(cf. 3541.1 - Transportation for School-Related Trips)*
6. States the District's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship  
*(cf. 5144 - Discipline)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*
7. Includes a copy of the local California Interscholastic Federation (CIF) league rules
8. Includes information about the CIF bylaw and district policy requiring any student athlete and his/her parent/guardian to sign a statement that the student will not use steroids or dietary supplements banned by the U.S. Anti-Doping Agency  
*(cf. 5131.63 - Steroids)*

### **Athletic Travel**

Athletic directors who wish to request a team's travel outside of the CIF Southern Section must follow the following process:

1. Submit a written request to the Superintendent that has the unconditional approval of the site principal. This request must be submitted well in advance of the proposed travel. No travel, registration, sign up, or housing arrangements may be made without and before the Superintendent's approval of the trip. No presentation or announcement of the trip may be made to parents or booster groups until the Superintendent approves the trip.
2. The request must also adequately address all of the following:
  - a. Other available tournaments/competitions



- b. The reason this competition is preferable to the other competitions/tournaments
- c. The amount of time students and staff will be away from school
- d. Plans for students to make up any schoolwork that will be missed
- e. Substitute plans for staff
- f. Supervision plan
- g. Travel and housing plans
- h. Account(s) being utilized to pay for expenses

3. All CIF rules apply. Travel outside California also requires CIF-SS and State CIF approval (with the exception of Arizona or Nevada schools). The site administrator should submit written requests to CIF at least 60 days in advance of the event. All requests must state dates, locations, sport, levels of competition and number of guaranteed contests. Two or more teams could travel together at one time (for example, cross country and football teams). No request may be made to CIF for requests for travel outside the Southern Section, until prior approval has been obtained from the district Superintendent. The Superintendent's decision is final. All trips must also comply with all other Board of Education policies relating to student trips/travel.

### **Sportsmanship**

Sportsmanship involves taking a loss or defeat without complaint, taking victory without gloating and treating opponents and officials with fairness, courtesy and respect. Unacceptable behavior at all school contests includes berating an opponent's school or mascot, berating opposing players and making obscene cheers or gestures. Coaches, athletes, cheerleaders and spectators shall respect the integrity and judgment of sports officials. Words or gestures of complaint about officials' calls are unacceptable.

### **California Interscholastic Federation - Transferring Students**

The California Interscholastic Federation's Bylaws establish limitations on transfer eligibility, which are set forth in the CIF State Bylaw Article 2, sections 207-210.

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California

Regulation approved: May 4, 2015 Regulation revised: March 6, 2017

## **HESPERIA UNIFIED SCHOOL DISTRICT BOARD POLICY 6173.1 – FOSTER YOUTH**

The Governing Board recognizes that foster youth may face significant barriers to achieving academic success due to their family circumstances, disruption to their educational program, and their emotional, social, and other health needs. To enable such students to achieve state and district academic standards, the Superintendent or designee shall provide them with full access to the district's educational program and implement strategies identified as necessary for the improvement of the academic achievement of foster youth in the district's local control and accountability plan (LCAP).

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 3100 - Budget)*

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5147 - Dropout Prevention)*

*(cf. 6011- Academic Standards)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6164.2 - Guidance/Counseling Services)*

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6179 - Supplemental Instruction)*

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and administrative regulation. To that end, he/she shall designate a staff person as the district liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.

The Superintendent or designee and district liaison shall ensure that all appropriate staff, including, but not limited to, each principal, school registrar, and attendance clerk, receive training on the enrollment, placement, and transfer of foster youth and other related rights.



*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

The Board desires to provide foster youth with a safe, positive learning environment that is free from discrimination and harassment and that promotes students' self-esteem and academic achievement. The Superintendent or designee shall develop strategies to build a foster youth's feeling of connectedness with his/her school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 5131 - Conduct)*  
*(cf. 5131.2 - Bullying)*  
*(cf. 5137 - Positive School Climate)*  
*(cf. 5138 - Conflict Resolution/Peer Mediation)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*  
*(cf. 6020 - Parent Involvement)*

To address the needs of foster youth and help ensure the maximum utilization of available funds, the Superintendent or designee shall collaborate with local agencies and officials including, but not limited to, the county placing agency, social services, probation officers, and juvenile court officers. The Superintendent or designee shall explore the feasibility of entering into agreements with these groups to coordinate services and protect the rights of foster youth.

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*Legal Reference:*

EDUCATION CODE

32228-32228.5 *Student safety and violence prevention*  
42238.01-42238.07 *Local control funding formula*  
42920-42925 *Foster children educational services*  
48645-48646 *Juvenile court schools*  
48850-48859 *Educational placement of students residing in licensed children's institutions*  
48915.5 *Suspension and expulsion; students with disabilities, including foster youth*  
48918.1 *Notice of expulsion hearing for foster youth*  
49061 *Student records*  
49069.5 *Foster care students, transfer of records*  
49076 *Access to student records*  
51225.1 *Exemption from district graduation requirements*  
51225.2 *Pupil in foster care defined; acceptance of coursework, credits, retaking of course*  
51225.3 *High school graduation*  
52052 *Definition of numerically significant student subgroups*  
52060-52077 *Local control and accountability plan*  
56055 *Rights of foster parents in special education*  
60851 *High school exit examination*  
60851.5 *Suspension of high school exit examination*

CODE OF REGULATION, TITLE 5

4600-4687 *Uniform complaint procedures*

HEALTH AND SAFETY CODE

1522.41 *Training and certification of group home administrators*

1529.2 Training of licensed foster parents  
120341 Foster youth: school placement: immunization records  
WELFARE AND INSTITUTIONS CODE  
300 Children subject to jurisdiction  
309 Investigation and release of child  
317 Appointment of legal counsel  
361 Limitations on parental or guardian control  
366.27 Educational decision by relative providing living arrangements  
602 Minors violating law; ward of court  
726 Limitations on parental or guardian control  
727 Order of care, ward of court  
16000-16014 Foster care placement  
UNITED STATES CODE, TITLE 20  
1415 Procedural safeguards; placement in alternative educational setting  
UNITED STATES CODE, TITLE 29  
794 Rehabilitation Act of 1973, Section 504  
UNITED STATES CODE, TITLE 42  
670-679b Federal assistance for foster care programs  
11431-11435 McKinney-Vento Homeless Assistance Act

*Management Resources:*

CSBA PUBLICATIONS

*Foster Youth: Supports for Success, Governance Brief, May 2016*

*Our Foster Youth: What School Boards Can Do, May 2016*

ALLIANCE FOR CHILDREN'S RIGHTS PUBLICATIONS

*Foster Youth Education Toolkit, December 2016*

CALIFORNIA CHILD WELFARE COUNCIL

*Partial Credit Model Policy and Practice Recommendations*

CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

*Our Children: Emancipating Foster Youth, A Community Action Guide*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Ensuring Educational Stability for Children in Foster Care, Non-Regulatory Guidance, June 2016*

WEB SITES

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

Alliance for Children's Rights: <http://www.kids-alliance.org>

California Child Welfare Council: <http://www.chhs.ca.gov/Pages/CAChildWelfareCouncil.aspx>

California Department of Education, Foster Youth Services: <http://www.cde.ca.gov/ls/pf/fy>

California Department of Social Services, Foster Youth Ombudsman Office: <http://www.fosteryouthhelp.ca.gov>

California Foster Youth Education Task Force: <http://www.cfyetf.org>

California Youth Connection: <http://www.cal-youthconn.org/site/cyc>

Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>

Foster Ed: <http://foster-ed.org>

National Center for Youth Law: <https://youthlaw.org>

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California

Policy adopted: August 5, 2019

## **HESPERIA UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION 6173.1 – FOSTER YOUTH**

### **Definitions**

*Foster youth* means a child who has been removed from his/her home pursuant to Welfare and Institutions Code 309, is the

subject of a petition filed under Welfare and Institutions Code 300 or 602, or has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602 or is a nonminor who is under the transition jurisdiction of a juvenile court, as described in Welfare and Institutions Code 450, and satisfies the criteria specified in Education Code 42238.01. (Education Code 42238.01, 48853.5)

*Person holding the right to make educational decisions* means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 726.

*School of origin* means the school that the foster youth attended when permanently housed or the school in which he/she was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is another school that the foster youth attended within the preceding 15 months and with which the youth is connected, the district liaison for foster youth shall determine which school is the school of origin. This determination shall be made in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, and shall be based on the best interests of the foster youth. (Education Code 48853.5)

*Best interest* means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the proximity to the school at the time of placement, appropriateness of the educational setting, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853; 20 USC 6311)

### **District Liaison**

The Superintendent designates the following position as the district's liaison for foster youth: (Education Code 48853.5)

Director of Student Services  
Hesperia Unified School District  
15576 Main Street  
Hesperia, CA 92345  
(760) 244-4411 ext. 7316

*(cf. 6173 - Education for Homeless Children)*

The liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)
2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another (Education Code 48645.5, 48853.5)

When a student in foster care is enrolling in a district school, the liaison shall contact the school last attended by the student to obtain, within two business days, all academic and other records. When a foster youth is transferring to a new school, the liaison shall provide the student's records to the new school within two business days of receiving the new school's request. (Education Code 48853.5)

*(cf. 5125 - Student Records)*

*(cf. 6146.3 - Reciprocity of Academic Credit)*

3. When required by law, notify the foster youth's attorney and the representative of the appropriate county child welfare agency when the foster youth is undergoing any expulsion or other disciplinary proceeding, including a

manifestation determination prior to a change in the foster youth's placement when he/she is a student with a disability. (Education Code 48853.5, 48911, 48915.5, 48918.1)

*(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)*

4. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973

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

*(cf. 6164.6 - Identification and Education Under Section 504)*

5. As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and after-school services

*(cf. 5141.6 - School Health Services)*

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6164.2 - Guidance/Counseling Services)*

*(cf. 6172 - Gifted and Talented Student Program)*

*(cf. 6174 - Education for English Learners)*

*(cf. 6177 - Summer Learning Programs)*

*(cf. 6179 - Supplemental Instruction)*

6. Develop protocols and procedures for creating awareness for district staff, including principals, school registrars, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

7. Collaborate with the county office of education, county placing agency, county child welfare agency, county probation department, juvenile court, and other appropriate agencies to help coordinate services for the district's foster youth

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

8. Monitor the educational progress of foster youth and provide reports to the Superintendent or designee and the Governing Board based on indicators identified in the district's local control and accountability plan

*(cf. 0460 - Local Control and Accountability Plan)*

The Superintendent or designee shall regularly monitor the caseload of the liaison, as well as his/her additional duties outside of the foster youth program, to determine whether adequate time and resources are available to meet the needs of foster youth in the district.

## **Enrollment**

A student placed in a licensed children's institution or foster family home within the district shall attend programs operated by the district unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency or in another local educational agency.

*(cf. 6159 - Individualized Education Program)*

*(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)*

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another education program and submits a written statement to the district indicating that determination and that he/she is aware of the following:
  - a. The student has a right to attend a regular public school in the least restrictive environment.
  - b. The alternate education program is a special education program, if applicable.
  - c. The decision to unilaterally remove the student from the district school and to place him/her in an alternate education program may not be financed by the district.
  - d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict Attendance)*

*(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)*

3. At the initial placement or any subsequent change in placement, the student exercises his/her right to continue in his/her school of origin, as defined above.
  - a. The student may continue in the school of origin for the duration of the court's jurisdiction.
  - b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in his/her school of origin for the remainder of the school year.
  - c. If the court's jurisdiction is terminated while the student is in high school, the student may continue in his/her school of origin until he/she graduates.
  - d. If the student is transitioning between school grade levels, he/she shall be allowed to continue in the district of origin in the same attendance area to provide him/her the benefit of matriculating with his/her peers in accordance with the established feeder patterns of school districts. A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

The district liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interests. (Education Code 48853.5)

Prior to making any recommendation to move a foster youth from his/her school of origin, the liaison shall provide the youth and the person holding the right to make educational decisions for the youth with a written explanation of the basis for the recommendation and how the recommendation serves the youth's best interests. (Education Code 48853.5)

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5)

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth. The foster youth shall be immediately enrolled even if he/she: (Education Code 48853.5)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

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

2. Does not have clothing normally required by the school, such as school uniforms

*(cf. 5132 - Dress and Grooming)*

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation

*(cf. 5111.1 - District Residency)*

*(cf. 5141.26 - Tuberculosis Testing)*

*(cf. 5141.31 - Immunizations)*

*(cf. 5141.32 - Health Screening for School Entry)*

If the foster youth or a person holding the right to make educational decisions for the foster youth disagrees with the liaison's enrollment recommendation, he/she may appeal to the Superintendent. The Superintendent shall make a determination within 30 calendar days of receipt of the appeal. Within 30 calendar days of receipt of the Superintendent's decision, the parent/guardian or foster youth may appeal that decision to the Board. The Board shall consider the issue at its next regularly scheduled meeting. The Board's decision shall be final.

*(cf. 9320 - Meetings and Notices)*

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the youth has the right to remain in the school of origin pending resolution of the dispute. (Education Code 48853.5)

## **Transportation**

The Superintendent or designee shall collaborate with the local child welfare agency to determine how transportation will be provided, arranged, and funded in a cost-effective manner to enable foster youth to remain in their school of origin, for the duration of their time in foster care, when it is in their best interest to do so. Such transportation costs may be paid by either the child welfare agency or the district, or shared by both. (20 USC 6312)

*(cf. 3540 - Transportation)*

*(cf. 3541 - Transportation Routes and Services)*

## **Effect of Absences on Grades**

The grades of a student in foster care shall not be lowered for any absence from school that is due to either of the following circumstances: (Education Code 49069.5)

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

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

### **Transfer of Coursework and Credits**

When a foster youth transfers into a district school, the district shall accept and issue full credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the foster youth to retake the course. (Education Code 51225.2)

If the foster youth did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that he/she did not complete at his/her previous school. However, the district may require the foster youth to retake the portion of the course completed if, in consultation with the holder of educational rights for the foster youth, the district finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster youth in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course. (Education Code 51225.2)

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall the district prevent a foster youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

### **Applicability of Graduation Requirements**

To obtain a high school diploma, a foster youth shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements prescribed by the Board.

*(cf. 6146.1 - High School Graduation Requirements)*

However, when a foster youth who has completed his/her second year of high school transfers into the district from another school district or transfers between high schools within the district, he/she shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her fourth year of high school. Within 30 calendar days of the foster youth's transfer, the Superintendent or designee shall notify the foster youth, the person holding the right to make educational decisions for him/her, and the foster youth's social worker of the availability of the exemption and whether the foster youth qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer a foster youth. (Education Code 51225.1)

To determine whether a foster youth is in his/her third or fourth year of high school, the district shall use either the number of credits the foster youth has earned as of the date of the transfer or the length of his/her school enrollment, whichever qualifies him/her for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any foster youth who is granted an exemption and the person holding the right to make educational decisions for him/her how any requirements that are waived will affect the foster youth's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a foster youth to transfer schools in order to qualify for an exemption and no request



for a transfer solely to qualify for an exemption shall be made by a foster youth or any person acting on behalf of a foster youth. (Education Code 51225.1)

If a foster youth is exempted from local graduation requirements, the exemption shall continue to apply after the termination of the court's jurisdiction over the student while he/she is still enrolled in school or if he/she transfers to another school or school district. (Education Code 51225.1)

Upon making a finding that a foster youth is reasonably able to complete district graduation requirements within his/her fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Inform the foster youth and the person holding the right to make educational decisions for him/her of the foster youth's option to remain in school for a fifth year to complete the district's graduation requirements and how that will affect his/her ability to gain admission to a postsecondary educational institution
2. Provide information to the foster youth about transfer opportunities available through the California Community Colleges
3. Upon agreement with the foster youth or, if he/she is under 18 years of age, the person holding the right to make educational decisions for him/her, permit the foster youth to stay in school for a fifth year to complete the district's graduation requirements

#### **Eligibility for Extracurricular Activities**

A foster youth whose residence changes pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

#### **Notification and Complaints**

Information regarding the educational rights of foster youth shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

*(cf. 5145.6 - Parental Notifications)*

Any complaint alleging that the district has not complied with requirements regarding the education of foster youth may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. If the district finds merit in a complaint, the district shall provide a remedy to the affected student. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE) and shall receive a written decision regarding the appeal within 60 days of CDE's receipt of the appeal. If the CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

*(cf. 1312.3 - Uniform Complaint Procedures)*

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California  
Regulation approved: August 5, 2019

### **HESPERIA UNIFIED SCHOOL DISTRICT BOARD POLICY 6173 – EDUCATION FOR HOMELESS CHILDREN**

The Governing Board desires to ensure that homeless students have access to the same free and appropriate public education provided to other students within the district. The district shall provide homeless students with access to education and other services necessary for them to meet the same challenging academic standards as other students.

The Superintendent or designee shall identify and remove any barriers to the identification and enrollment of homeless students and to the retention of homeless students due to absences or outstanding fees or fines. (42 USC 11432)

When there are at least 15 homeless students in the district or a district school, the district's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of homeless students. (Education Code 52052, 52060)

The Superintendent or designee shall designate an appropriate staff person to serve as a liaison for homeless children and youths. The district liaison shall fulfill the duties specified in 42 USC 11432 to assist in identifying and supporting homeless students to succeed in school.

In order to identify district students who are homeless, the Superintendent or designee may give a housing questionnaire to all parents/guardians during school registration, make referral forms readily available, include the district liaison's contact information on the district and school web sites, provide materials in a language easily understood by families and students, provide school staff with professional development on the definition and signs of homelessness, and contact appropriate local agencies to coordinate referrals for homeless children and youth and unaccompanied youth.

Information about a homeless student's living situation shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act and shall not be deemed to be directory information as defined in 20 USC 1232g. (42 USC 11432)

The Superintendent or designee shall ensure that placement decisions for homeless students are based on the student's best interest as defined in law and administrative regulation.

Each homeless student shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (42 USC 11432)

Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way. However, the Superintendent or designee may separate homeless students on school grounds as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet the unique needs of homeless students. (42 USC 11432, 11433)

The Superintendent or designee shall coordinate with other agencies and entities to ensure that homeless children and youth are promptly identified, ensure that homeless students have access to and are in reasonable proximity to available education and related support services, and raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness. Toward these ends, the Superintendent or designee shall collaborate with local social services agencies, other agencies or entities providing services to homeless children and youth, and, if applicable, transitional housing facilities. In addition, the Superintendent or designee shall coordinate transportation, transfer of school records, and other interdistrict activities with other local educational agencies. As necessary, the Superintendent or designee shall coordinate, within the district and with other involved local educational agencies, services for homeless students and services for students with disabilities. (42 USC 11432)

District liaisons and other appropriate staff shall participate in professional development and other technical assistance activities to assist them in identifying and meeting the needs of homeless students and to provide training on the definitions of terms related to homelessness. (42 USC 11432)

At least annually, the Superintendent or designee shall report to the Board on outcomes for homeless students, which may include, but are not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, the district shall revise its strategies as needed to better support the education of homeless students.

*Legal Reference:*

EDUCATION CODE

39807.5 *Payment of transportation costs by parents*

48850 *Educational rights of homeless and foster youth*

48852.5 *Notice of educational rights of homeless students*

48852.7 *Enrollment of homeless students*

48915.5 *Recommended expulsion, homeless student with disabilities*

48918.1 *Notice of recommended expulsion*

51225.1-51225.3 *Graduation requirements*

52060-52077 *Local control and accountability plan*

CODE OF REGULATIONS, TITLE 5

4600-4687 *Uniform complaint procedures*

UNITED STATES CODE, TITLE 20

1087vv *Free Application for Federal Student Aid; definitions*

1232g *Family Educational Rights and Privacy Act*

6311 *Title I state plan; state and local educational agency report cards*

UNITED STATES CODE, TITLE 42

11431-11435 *McKinney-Vento Homeless Assistance Act*

12705 *Cranston-Gonzalez National Affordable Housing Act; state and local strategies*

*Management Resources:*

CALIFORNIA CHILD WELFARE COUNCIL PUBLICATIONS

*Partial Credit Model Policy and Practice Recommendations*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Homeless Education Dispute Resolution Process, January 30, 2007*

NATIONAL CENTER FOR HOMELESS EDUCATION PUBLICATIONS

*Homeless Liaison Toolkit, 2013*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

*Dear Colleague Letter, July 27, 2016*

*Education for Homeless Children and Youths Program, Non-Regulatory Guidance, July 2016*

WEB SITES

*California Child Welfare Council: <http://www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx>*

*California Department of Education, Homeless Children and Youth Education: <http://www.cde.ca.gov/sp/hs/cy>*

*National Center for Homeless Education at SERVE: <http://www.serve.org/nche>*

*National Law Center on Homelessness and Poverty: <http://www.nlchp.org>*

*U.S. Department of Education: <http://www.ed.gov/programs/homeless/index.html>*

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California

Policy adopted: May 2, 2011; May 4, 2015 Revised: September 12, 2016; November 5, 2018; August 5, 2019

**HESPERIA UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION 6173 – EDUCATION FOR HOMELESS CHILDREN**

## Definitions

*Homeless students* means students who lack a fixed, regular, and adequate nighttime residence and includes: (Education Code 48852.7; 42 USC 11434a)

1. Students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals
2. Students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings
3. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
4. Migratory children who qualify as homeless because they are living in conditions described in items #1-3 above

*Unaccompanied youth* includes youth who are not in the physical custody of a parent or guardian. (20 USC 11434a)

*School of origin* means the school that the homeless student attended when permanently housed or the school in which he/she was last enrolled, including a preschool. If the school the homeless student attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that he/she attended within the preceding 15 months and with which he/she is connected, the district liaison shall determine, in consultation with and with the agreement of the homeless student and the person holding the right to make educational decisions for the student, and in the best interests of the homeless student, which school shall be deemed the school of origin. (Education Code 48852.7; 42 USC 11432)

*Best interest* means that, in making educational and school placement decisions for a homeless student, consideration is given to, among other factors, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the student's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853; 42 USC 11432)

## District Liaison

The Superintendent designates the following staff person as the district liaison for homeless students: (42 USC 11432)

Director, Student Services  
15576 Main Street  
Hesperia, CA 92345  
(760) 244-4411 ext. 7233

The district's liaison for homeless students shall: (Education Code 48852.5; 42 USC 11432)

1. Ensure that homeless students are identified by school personnel through outreach and coordination activities with other entities and agencies
2. Ensure that homeless students are enrolled in, and have a full and equal opportunity to succeed in, district schools
3. Ensure that homeless families and children and youth have access to and receive educational services for which they are eligible, including services through Head Start and Early Head Start programs, early intervention services under Part C of the federal Individuals with Disabilities Education Act, and other preschool programs administered by the district

4. Ensure that homeless families and students receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services
5. Inform parents/guardians of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children
6. Disseminate notice of the educational rights of homeless students in locations frequented by parents/guardians of homeless children and youth and by unaccompanied youth, including schools, family shelters, public libraries, and hunger relief agencies (soup kitchens). The rights shall be presented in a manner and form understandable to the parents/guardians of homeless students and unaccompanied youth
7. Mediate enrollment disputes in accordance with law and the section "Resolving Enrollment Disputes" below
8. Fully inform parents/guardians of homeless students and unaccompanied youth of all transportation services, including transportation to the school of origin, and assist them in accessing transportation to the school of choice
9. Ensure that school personnel providing services to homeless students receive professional development and other support
10. Ensure that unaccompanied youth are enrolled in school, have opportunities to meet the same challenging state academic standards established for other students, and are informed of their status as independent students under 20 USC 1087vv and that they may receive assistance from the district liaison to receive verification of their independent student status for purposes of applying for federal student aid pursuant to 20 USC 1090
11. Coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless students, including the provision of comprehensive data to the state coordinator as required by law

In addition, when notified pursuant to Education Code 48918.1, the district liaison shall assist, facilitate, or represent a homeless student who is undergoing a disciplinary proceeding that could result in his/her expulsion. When notified pursuant to Education Code 48915.5, the district liaison shall participate in an individualized education program team meeting to make a manifestation determination regarding the behavior of a student with a disability.

The Superintendent or designee shall inform homeless children and youth, their parents/guardians, school personnel, service providers, and advocates working with homeless families of the duties of the district's liaison. He/she shall also provide the name and contact information of the district's liaison to the California Department of Education (CDE) for publishing on the CDE's web site. (42 USC 11432)

### **Enrollment**

The district shall make placement decisions for homeless students based on the student's best interest. (42 USC 11432)

In determining the best interest of the student, the district shall consider student-centered factors related to the student's best interest, including factors related to the impact of mobility on achievement, education, health, and safety, giving priority to the request of the student's parent/guardian or, in the case of an unaccompanied youth, the youth. (42 USC 11432)

Such factors may include, but are not limited to, the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

However, placement decisions shall not be based on whether a homeless student lives with his/her homeless parent/guardian or has been temporarily placed elsewhere. (42 USC 11432)

In the case of an unaccompanied youth, the liaison shall assist in placement or enrollment decisions, give priority to the views of the student, and provide notice to the student of his/her appeal rights. (42 USC 11432)

In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless the student's parent/guardian or the unaccompanied youth requests otherwise. (Education Code 48852.7; 42 USC 11432)

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice. The student shall be enrolled even if he/she: (Education Code 48852.7; 42 USC 11432)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended
2. Does not have clothing normally required by the school, such as school uniforms
3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and records of immunization and other required health records
4. Has missed application or enrollment deadlines during any period of homelessness

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other required health records, the principal or designee shall refer the parent/guardian to the district liaison for homeless students. The district liaison shall assist the parent/guardian, or the student if he/she is an unaccompanied youth, in obtaining the necessary immunizations, screenings, or records for the student. (42 USC 11432)

If the student is placed at a school other than his/her school of origin or the school requested by his/her parent/guardian or an unaccompanied youth, the Superintendent or designee shall provide the parent/guardian or the unaccompanied youth with a written explanation of the decision along with a statement regarding the right to appeal the placement decision. (42 USC 11432)

The student may continue attending his/her school of origin for the duration of the homelessness. (Education Code 48852.7; 42 USC 11432)

To ensure that the homeless student has the benefit of matriculating with his/her peers in accordance with the established feeder patterns, the following shall apply: (Education Code 48852.7; 42 USC 11432)

1. If the student is transitioning between grade levels, he/she shall be allowed to continue in the same attendance area
2. If the student is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, he/she shall be allowed to continue to the school designated for matriculation in that district

If the student's status changes before the end of the school year so that he/she is no longer homeless, he/she shall be allowed to stay in the school of origin: (Education Code 48852.7)

1. Through the duration of the school year if he/she is in grades K-8
2. Through graduation if he/she is in high school

### **Resolving Enrollment Disputes**

If a dispute arises over student eligibility, school selection, or enrollment in a particular school, the matter shall be referred to the district liaison, who shall carry out the dispute resolution process as expeditiously as possible. (42 USC 11432)

The parent/guardian or unaccompanied youth shall be provided with a written explanation of any decisions related to eligibility, school selection, or enrollment and of the right of the parent/guardian or unaccompanied youth to appeal such decisions. (42 USC 11432)

The written explanation shall include:

1. A description of the action proposed or refused by the district
2. An explanation of why the action is proposed or refused
3. A description of any other options the district considered and the reasons that any other options were rejected
4. A description of any other factors relevant to the district's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources
5. Appropriate timelines to ensure any relevant deadlines are not missed
6. Contact information for the district liaison and state coordinator, and a brief description of their roles

The written explanation shall be complete, as brief as possible, simply stated, and provided in language that the parent/guardian or student can understand.

The district liaison may use an informal process as an alternative to formal dispute resolution procedures, provided that the parents/guardians or unaccompanied youth have access to the more formal process if informal resolution is not successful in resolving the matter.

In working with a student's parents/guardians or unaccompanied youth to resolve an enrollment dispute, the district liaison shall:

1. Inform them that they may provide written and/or oral documentation to support their position
2. Inform them that they may seek the assistance of social services, advocates, and/or service providers in having the dispute resolved
3. Provide them a simple form that they may use and turn in to the school to initiate the dispute resolution process
4. Provide them a copy of the dispute form they submit for their records
5. Provide them the outcome of the dispute for their records

If a parent/guardian or unaccompanied youth disagrees with the liaison's enrollment decision, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within five working days.

If the parent/guardian chooses to appeal the district's placement decision, the district liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education.



Pending final resolution of the dispute, including all available appeals, the student shall be immediately enrolled in the school in which enrollment is sought and shall be allowed to attend classes and participate fully in school activities. (42 USC 11432, 11434a)

### **Transportation**

The district shall provide transportation for a homeless student to and from his/her school of origin when the student is residing within the district and the parent/guardian, or the district liaison in the case of an unaccompanied youth, requests that such transportation be provided. If the student moves outside of district boundaries, but continues to attend his/her school of origin within this district, the Superintendent or designee shall consult with the superintendent of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

The district shall not be obligated to provide transportation to students who continue attending their school of origin after they cease to be homeless, unless the formerly homeless student has an individualized education program that includes transportation as a necessary related service for the student. (Education Code 48852.7)

### **Transfer of Coursework and Credits**

When a homeless student transfers into a district school, the district shall accept and issue full credit for any coursework that the student has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the student to retake the course. (Education Code 51225.2)

If the homeless student did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that he/she did not complete at his/her previous school. However, the district may require the student to retake the portion of the course completed if, in consultation with the holder of educational rights for the student, the district finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a homeless student in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course. (Education Code 51225.2)

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall the district prevent a homeless student from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

### **Applicability of Graduation Requirements**

To obtain a high school diploma, a homeless student shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements prescribed by the Governing Board.

However, when a homeless student who has completed his/her second year of high school transfers into the district from another school district or transfers between high schools within the district, he/she shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her fourth year of high school. Within 30 calendar days of the homeless student's transfer, the Superintendent or designee shall notify the student, the person holding the right to make educational decisions for him/her, and the district liaison for homeless students of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails

to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer homeless. (Education Code 51225.1)

To determine whether a homeless student is in his/her third or fourth year of high school, the district shall use either the number of credits he/she has earned as of the date of the transfer or the length of his/her school enrollment, whichever qualifies him/her for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any homeless student who is granted an exemption and the person holding the right to make educational decisions for him/her how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a homeless student to transfer schools in order to qualify for an exemption and no request for a transfer solely to qualify for an exemption shall be made by a homeless student, the person holding the right to make educational decisions for the student, or the district liaison on behalf of the student. (Education Code 51225.1)

If a homeless student is exempted from local graduation requirements, the exemption shall continue to apply after the student is no longer homeless or if he/she transfers to another school or school district. (Education Code 51225.1)

If the Superintendent or designee determines that a homeless student is reasonably able to complete district graduation requirements within his/her fifth year of high school, he/she shall: (Education Code 51225.1)

1. Inform the student and, if under 18 years of age, the person holding the right to make educational decisions for him/her, of the option available to the student to remain in school for a fifth year to complete the district's graduation requirements and how that will affect his/her ability to gain admission to a postsecondary educational institution
2. Provide information to the homeless student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the homeless student or with the person holding the right to make educational decisions for him/her if he/she is under 18 years of age, permit the student to stay in school for a fifth year to complete the district's graduation requirements

### **Eligibility for Extracurricular Activities**

A homeless student who enrolls in any district school shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

### **Notification and Complaints**

Information regarding the educational rights of homeless students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of homeless students, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

**HESPERIA UNIFIED SCHOOL DISTRICT EXHIBIT 6173 – EDUCATION FOR HOMELESS CHILDREN**

**DISTRICT EXPLANATION OF DECISION RELATED TO ELIGIBILITY, SCHOOL SELECTION, OR ENROLLMENT**

Instructions: The following form provides notice and explanation to a student's parent/guardian or an unaccompanied youth regarding the district's decision related to student eligibility, school selection, or enrollment.

Date: \_\_\_\_\_ Name of person completing form: \_\_\_\_\_

Title: \_\_\_\_\_ Phone number: \_\_\_\_\_

In accordance with the federal McKinney-Vento Homeless Assistance Act (42 USC 11431-11435), this notification is being provided to either:

Name of parent(s)/guardian(s): \_\_\_\_\_

Name of unaccompanied student: \_\_\_\_\_

School requested: \_\_\_\_\_

District's placement decision (name of school): \_\_\_\_\_

Action(s) proposed/refused by the district related to eligibility, school selection, or enrollment:

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The district's determination regarding eligibility, school selection, or enrollment was based upon the following evidence and for the following reasons:

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Other options that the district considered, if any, included the following options which were rejected for the following reasons:

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Factors relevant to the district's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources, if any:

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You have the right to appeal this decision to the district Superintendent. To do so, contact the district's homeless liaison listed below to request a Dispute Form. You may provide written or verbal documentation to support your position, and may also seek the assistance of social services, advocates, and/or service providers in the dispute process. The Superintendent or designee will review all the evidence and will notify you of his/her decision as expeditiously as possible.

If you are not satisfied with the Superintendent's decision, you may appeal to the San Bernardino County Office of Education. If you are not satisfied with the county office's decision, you may then appeal to the California Department of Education. The district's homeless liaison can assist you with this appeal.

#### CONTACT INFORMATION:

District Liaison: The district liaison is one of the primary contacts between homeless families and school or district staff. He/she is responsible for coordinating services to ensure that homeless students enroll in school and have the opportunity to succeed academically, and mediates enrollment disputes as needed.

Name of district's homeless liaison: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone number: \_\_\_\_\_

County Liaison: If you appeal the district's decision to the county office of education, the district liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office. The county liaison will review the materials and determine the eligibility, school selection, or enrollment decision within five working days of receiving the materials. He/she will notify you of the decision.

Name of County Office of Education homeless liaison: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone number: \_\_\_\_\_

State Coordinator: If you appeal the county office's decision to the California Department of Education, the county homeless liaison shall forward all written documentation and related paperwork to the State Homeless Coordinator. The state coordinator will review the district, county office, and parent/guardian information and will notify you of the decision within ten working days of receiving the materials.

Name of state homeless coordinator: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone number: \_\_\_\_\_

#### RIGHTS:

Pending the final resolution of this dispute, including the period of all appeals, the student has the right to immediately enroll in the school requested and to participate fully in school activities at that school.

#### DISPUTE FORM

Instructions: This form is to be completed by a parent/guardian or student when a dispute regarding enrollment has arisen. As an alternative to completing this form, the information on this form may be shared verbally with the district's liaison for homeless students.

Date submitted: \_\_\_\_\_  
Student's name: \_\_\_\_\_  
Name of person completing form: \_\_\_\_\_  
Relation to student: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone number: \_\_\_\_\_  
Name of school requested: \_\_\_\_\_

I wish to appeal the eligibility, school selection, or enrollment decision made by:  
\_\_\_ District liaison \_\_\_ District Superintendent \_\_\_ County office of education liaison

Reason for the appeal: You may include an explanation to support your appeal in this space or provide your explanation verbally. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have been provided with:

\_\_\_\_\_

- \_\_\_ A written explanation of the district's decision
- \_\_\_ Contact information for the district's homeless liaison
- \_\_\_ Contact information for the county office of education's homeless liaison
- \_\_\_ Contact information for the state homeless coordinator

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California

Exhibit version: May 2, 2011; May 4, 2015 Revised: September 12, 2016; November 5, 2018

## **HESPERIA UNIFIED SCHOOL DISTRICT BOARD POLICY 5146 – MARRIED/PREGNANT, PARENTING STUDENTS**

The Governing Board recognizes that responsibilities related to marriage, pregnancy, or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children.

- (cf. 5113.1 - Chronic Absence and Truancy)
- (cf. 5147 - Dropout Prevention)
- (cf. 6011 - Academic Standards)
- (cf. 6164.5 - Student Success Teams)

The Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available to them under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

- (cf. 5145.6 - Parental Notifications)

Any alternative education program, activity, or course that is offered separately to pregnant or parenting students, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the regular education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

- (cf. 6142.7 - Physical Education and Activity)
- (cf. 6145 - Extracurricular and Cocurricular Activities)
- (cf. 6183 - Home and Hospital Instruction)

To the extent feasible, the district shall provide educational and related support services, either directly or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during school-sponsored activities  
(cf. 5148 - Child Care and Development)
2. Parenting education and life skills instruction
3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28  
(cf. 3550 - Food Service/Child Nutrition Program)  
(cf. 5030 - Student Wellness)
4. Health care services, including prenatal care

(cf. 5141.6 - School Health Services)

5. Tobacco, alcohol, and/or drug prevention and intervention services  
(cf. 5131.6 - Alcohol and Other Drugs)  
(cf. 5131.62 - Tobacco)

6. Academic and personal counseling  
(cf. 6164.2 - Guidance/Counseling Services)

7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation  
(cf. 6179 - Supplemental Instruction)

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

#### Absences

Pregnant or parenting students may be excused for absences for medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

(cf. 5113 - Absences and Excuses)

#### Parental Leave

A pregnant or parenting student shall be entitled to eight weeks of parental leave in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The Superintendent or designee may grant parental leave beyond eight weeks if deemed medically necessary by the student's physician. (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years or older, or the student's parent/guardian shall notify the school of the student's intent to take parental leave. No student shall be required to take all or part of the parental leave. (Education Code 46015)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A pregnant or parenting student shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

(cf. 5113.11 - Attendance Supervision)

Following the leave, a pregnant or parenting student may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

#### Accommodations

When necessary, the district shall provide accommodations to enable a pregnant or parenting student to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. (34 CFR 106.40)

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

#### Complaints

Any complaint alleging discrimination on the basis of pregnancy or marital or parental status, district noncompliance with the requirements of Education Code 46015, or district noncompliance with the requirement to provide reasonable accommodations for lactating students shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4670 and BP/AR 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 222, 46015; 5 CCR 4600-4670)  
(cf. 1312.3 - Uniform Complaint Procedures)

#### Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support married, pregnant, and parenting students, which may include data on student participation in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.  
(cf. 0500 - Accountability)  
(cf. 6162.5 - Student Assessment)  
(cf. 6190 - Evaluation of the Instructional Program)

#### Legal Reference:

##### EDUCATION CODE

221.51 Nondiscrimination; married, pregnant, and parenting students  
222 Reasonable accommodations; lactating students  
222.5 Pregnant and parenting students, notification of rights  
230 Sex discrimination  
8200-8498 Child Care and Development Services Act  
46015 Parental leave  
48205 Excused absences  
48206.3 Temporary disability, definition  
48220 Compulsory education requirement  
48410 Persons exempted from continuation classes  
48980 Parental notifications  
49553 Nutrition supplements for pregnant/lactating students  
51220.5 Parenting skills and education



51745 Independent study  
52610.5 Enrollment of pregnant and parenting students in adult education  
CIVIL CODE  
51 Unruh Civil Rights Act  
FAMILY CODE  
7002 Description of emancipated minor  
HEALTH AND SAFETY CODE  
104460 Tobacco prevention services for pregnant and parenting students  
CODE OF REGULATIONS, TITLE 5  
4600-4670 Uniform complaint procedures  
4950 Nondiscrimination, marital and parental status  
CODE OF REGULATIONS, TITLE 22  
101151-101239.2 General licensing requirements for child care centers  
101351-101439.1 Infant care centers  
UNITED STATES CODE, TITLE 20  
1681-1688 Title IX, Education Act Amendments  
UNITED STATES CODE, TITLE 42  
1786 Special supplemental nutrition program for women, infants, and children  
CODE OF FEDERAL REGULATIONS, TITLE 7  
246.1-246.28 Special supplemental nutrition program for women, infants, and children  
CODE OF FEDERAL REGULATIONS, TITLE 34  
106.40 Marital or parental status  
ATTORNEY GENERAL OPINIONS  
87 Ops.Cal.Atty.Gen. 168 (2004)  
COURT DECISIONS  
American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

Management Resources:

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS

Pregnant Students and Confidential Medical Services, 2013

Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements, 2012

The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Education Amendments of 1972, rev. June 2013

WEB SITES

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

California Women's Law Center: <http://www.cwlc.org>

U.S. Department of Agriculture, Women, Infants, and Children Program: <http://www.fns.usda.gov/wic>

U.S. Department of Education: <http://www.ed.gov>

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California

Policy adopted: January 20, 2015 Revised: February 6, 2017; June 17, 2019

## **HESPERIA UNIFIED SCHOOL DISTRICT BOARD POLICY 6142.7 – PHYSICAL EDUCATION AND ACTIVITY**

The Governing Board recognizes the positive benefits of physical activity on student health and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

*(cf. 5030 - Student Wellness)*

*(cf. 6142.8 - Comprehensive Health Education)*

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework.

*(cf. 6011 - Academic Standards)*

*(cf. 6143 - Courses of Study)*

For grades 9-12, the overall course of study shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

*(cf. 6146.1 - High School Graduation Requirements)*

*(cf. 6146.11 - Alternative Credits Toward Graduation)*

The district's physical education program shall engage students in moderate to vigorous physical activity, as defined in the accompanying administrative regulation, for at least 50 percent of class or session time. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

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

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

*(cf. 3514 - Environmental Safety)*

*(cf. 5141.7 - Sun Safety)*

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

*(cf. 1330.1 - Joint Use Agreements)*

*(cf. 5142.2 - Safe Routes to School Program)*

*(cf. 5148 - Child Care and Development Program)*

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

## **Staffing**

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4112.2 - Certification)*  
*(cf. 4112.21 - Interns)*  
*(cf. 4113 - Assignment)*  
*(cf. 4222 - Teacher Aides/Paraprofessionals)*

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

*(cf. 4131 - Staff Development)*  
*(cf. 5121 - Grades/Evaluation of Student Achievement)*

### **Physical Fitness Testing**

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

### **Temporary Exemptions**

The Superintendent or designee may grant a student a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet his/her needs cannot be provided.
2. The student is enrolled for one-half time or less.

### **Two-Year Exemptions**

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the FITNESSGRAM in grade 9. (Education Code 51241)

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the FITNESSGRAM to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Students in grades 10-12 who have been granted a two-year exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

*(cf. 6112 - School Day)*

### **Permanent Exemptions**

The Superintendent or designee may grant a student a permanent exemption from physical education under any of the following conditions: (Education Code 51241)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years. However, such a student shall not be permitted to attend fewer total hours of courses and classes than he/she would have attended if enrolled in a physical education course.

2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

### **Other Exemptions**

The Superintendent or designee may grant a student an exemption from physical education under the following special circumstances:

1. When the student is in any of grades 10-12 and is excused for up to 24 clock hours in order to participate in automobile driver training. However, any such student shall attend a minimum of 7,000 minutes of physical education instruction during the school year. (Education Code 51222)
2. When the student is in any of grades 10-12, attends a regional occupational center or program, and, because of the travel time involved, would experience hardship to attend physical education courses. Any such student shall have a minimum school day of 180 minutes. (Education Code 52316)

*(cf. 6178.2 - Regional Occupational Center/Program)*

3. When the student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

*(cf. 6145.2 - Athletic Competition)*

### **Program Evaluation**

The Superintendent or designee shall annually report to the Board each school's FITNESSGRAM results for each applicable grade level. He/she shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity.

*(cf. 0500 - Accountability)*

*(cf. 6190 - Evaluation of the Instructional Program)*

#### *Legal Reference:*

##### EDUCATION CODE

33126 School accountability report card  
33350-33354 CDE responsibilities re: physical education  
35256 School accountability report card  
44250-44277 Credential types  
49066 Grades; physical education class  
51210 Course of study, grades 1-6  
51220 Course of study, grades 7-12  
51222 Physical education  
51223 Physical education, elementary schools  
51241 Temporary, two-year or permanent exemption from physical education  
51242 Exemption from physical education for athletic program participants  
52316 Excuse from attending physical education classes

60800 *Physical performance test*  
CODE OF REGULATIONS, TITLE 5  
 1040-1048 *Physical performance test*  
 3051.5 *Adapted physical education for individuals with exceptional needs*  
 4600-4687 *Uniform complaint procedures*  
 10060 *Criteria for high school physical education programs*  
 80020 *Additional assignment authorizations for specific credentials*  
 80037 *Designated subjects teaching credential; special teaching authorization in physical education*  
 80046.1 *Added authorization to teach adapted physical education*  
UNITED STATES CODE, TITLE 29  
 794 *Rehabilitation Act of 1973, Section 504*  
UNITED STATES CODE, TITLE 42  
 1758b *Local wellness policy*  
ATTORNEY GENERAL OPINIONS  
 53 *Ops.Cal.Atty.Gen. 230 (1970)*  
COURT DECISIONS  
*Doe v. Albany Unified School District (2010) 190 Cal.App.4th 668*  
*Cal200 et al. v. San Francisco Unified School District et al. (2013), San Francisco Superior Court, Case No. CGC-13-534975*  
*Cal200 et al. v. Oakland Unified School District et al. (San Francisco Superior Court, Case No. CPF-14-513959*

*Management Resources:*

CSBA PUBLICATIONS

*Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement, Legal Alert, May 2015*  
*Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012*  
*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012*  
*Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010*  
*Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev. February 2010*  
*Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009*  
*Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009*  
*Physical Education and California Schools, Policy Brief, rev. October 2007*  
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
*Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009*  
*Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005*  
*Adapted Physical Education Guidelines for California Schools, 2003*  
CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS  
*School Health Index (SHI): Self-Assessment and Planning Guide 2014*  
COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS  
*The Administrator's Assignment Manual, 2007*  
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS  
*2008 Physical Activity Guidelines for Americans, October 2008*

WEB SITES

CSBA: <http://www.csba.org>  
 California Department of Education, Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>  
 California Healthy Kids Resource Center: <http://www.californiahealthykids.org>  
 California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>  
 Centers for Disease Control and Prevention: <http://www.cdc.gov>  
 Commission on Teacher Credentialing: <http://www.ctc.ca.gov>  
 Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/cpf>  
 Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>  
President's Council on Physical Fitness and Sports: <http://www.fitness.gov>  
U.S. Department of Health and Human Services: <http://www.health.gov>

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California  
Policy adopted: August 5, 2019

## **HESPERIA UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATION 6142.7 – PHYSICAL EDUCATION AND ACTIVITY**

### **Definitions**

*Physical education* is a sequential educational program that teaches students to understand and participate in regular physical activity for developing and maintaining physical fitness throughout their lifetime, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

*Physical activity* is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

*Moderate physical activity* is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

*Vigorous physical activity* is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

### **Instructional Time**

Instruction in physical education shall be provided for at least the following minimum period of time: (Education Code 51210, 51222, 51223)

1. For students in grades 1-6, 200 minutes each 10 school days, exclusive of recesses and the lunch period
2. For students in grades 7-8 attending an elementary school, 200 minutes each 10 school days, exclusive of recesses and the lunch period
3. For students in grades 7-8 attending a middle school or junior high school, 400 minutes each 10 school days
4. For students in grades 9-12, 400 minutes each 10 school days

If the instructional minute requirement cannot be met during any 10-day period due to inclement weather, a school assembly, field trip, student assessment, or other circumstance, the school shall make up those minutes on another day in order to satisfy the instructional minute requirement.

The Superintendent or designee shall determine a method to document compliance with the required number of instructional minutes. Such documentation may include, but not be limited to, a master schedule, teacher roster, or log for staff or students to record the number of physical education minutes completed.

Any complaint alleging noncompliance with the instructional minute requirement for elementary schools may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or the CDE

finds merit in a complaint, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 51210, 51223; 5 CCR 4600-4687)

*(cf. 1312.3 - Uniform Complaint Procedures)*

### **Monitoring Moderate to Vigorous Physical Activity**

To monitor whether students are engaged in moderate to vigorous physical activity for at least 50 percent of physical education class or session time, the Superintendent or designee may:

1. Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity or the number of students who are inactive during physical education classes
2. Provide physical education teachers with staff development, self-monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes

*(cf. 4115 - Evaluation/Supervision)*

### **Criteria for Enrollment in Alternative Physical Education (Applicable to Grades 9-12)**

Any student enrolling in an alternative physical education program shall present to the principal a letter from his/her physician stating that the student needs an alternative physical education program and the reasons why, or documentation certifying that the student meets all of the following criteria:

1. The student is involved in a year long program for the purpose of high level competition or dance performance.
2. The student is involved at a training level (minimum five hours weekly), not a recreational level.
3. The off-campus teacher/coach must present evidence of his/her professional certification for the sport or a valid California Teaching Credential in Physical Education.
4. The student must present evidence of his/her membership in a state, national, or international organization for the sport.
5. The student must apply on a semester basis for participation in the off-campus physical education program.

### **Procedure for Receiving Credit for Alternative Physical Education**

1. The student must submit all documentation to the principal and have appropriate signatures on the contract available in the counseling office.
2. The principal will determine if the parent/guardian's request for the student to receive physical education credit for participation in an alternative physical education program conforms to Board policy and administrative regulation.
3. The student must turn in monthly log sheets/competition result sheets signed by the teacher/coach to the designated coordinator by the last day of the month.
4. The maximum credit hours available per semester is 5 credits, regardless of the total number of hours submitted.
5. When the student has earned the 20 credits required for graduation, he/she may no longer participate in the alternative physical education program for credit.



6. The principal shall recommend approval or disapproval and send the completed form to the Director of Student Services.

Parents/guardians and the principal will receive confirmation that the students will/will not receive physical education credit for participation in alternative physical education from the Director of Student Services.

### **Physical Fitness Testing**

During the annual assessment window between the months of February through May, students in grades 5, 7, and 9 shall be administered the physical fitness test designated by the State Board of Education (FITNESSGRAM). (Education Code 60800; 5 CCR 1041)

*(cf. 6162.5 - Student Assessment)*

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and California Department of Education for all matters related to the physical fitness test. His/her duties shall be those specified in 5 CCR 1043.4, including, but not limited to, overseeing the administration of the test and the collection and return of all test data to the test contractor. (5 CCR 1043.4)

Students shall be provided with their individual results after completing the FITNESSGRAM. The test results may be provided in writing or orally as the student completes the testing and shall be included in his/her cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)

*(cf. 5125 - Student Records)*

Each student's test results shall also be provided to his/her parents/guardians.

The Superintendent or designee shall report the aggregate results of the FITNESSGRAM in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

*(cf. 0510 - School Accountability Report Card)*

### **Testing Variations**

All students may be administered the FITNESSGRAM with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment
2. Separate testing for individual students provided that they are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital
3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that they are directly supervised by the test examiner
2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

### **Additional Opportunities for Physical Activity**

The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:

1. Training recess and lunch supervisors on methods to engage students in moderate to vigorous physical activity

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4231 - Staff Development)*

*(cf. 5030 - Student Wellness)*

2. Encouraging teachers to incorporate physical activity into the classroom
3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, special events, and competitions

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.5 - Student Organizations and Equal Access)*

4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs

*(cf. 5148 - Child Care and Development Program)*

*(cf. 5148.2 - Before/After School Programs)*

5. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities

*(cf. 1330.1 - Joint Use Agreements)*

6. Developing business partnerships to maximize resources for physical activity equipment and programs

*(cf. 1700 - Relations Between Private Industry and the Schools)*

7. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school

*(cf. 5142.2 - Safe Routes to School Program)*

HESPERIA UNIFIED SCHOOL DISTRICT Hesperia, California  
Policy adopted: August 5, 2019

### **PHYSICAL EDUCATION CLASS – DRESS CODE**

All students enrolled in physical education (P.E.) are required to adhere to the below dress code for the following reasons:

- They save street clothes from perspiration, wear and tear.
- They are less restrictive than street clothes and facilitate participation in physical activity.
- The staff can determine immediately who is enrolled in class and who does not belong in the area.

Dress Code:

- Optional uniforms will be available for purchase at the school site.
- Students may choose to provide their own plain gray t-shirt and black jersey shorts (long enough to touch the top of the knee) in lieu of purchasing P.E. clothes at the school site.

### **REGISTRATION/ENROLLMENT**

Registration/Enrollment for new students is available online at Hesperia Unified School District's [website](#), under the parent section. If you have specific questions regarding registration and enrollment, please contact your child's home school according to your home address. You may visit Hesperia Unified School District's website to locate/verify your home school.

The following documents are required in order to complete registration:

#### **For Transitional Kindergarten/Kindergarten:**

Proof of Age/Date of Birth  
Immunization Record  
Physical  
Proof of Residence

#### **For all other grades:**

Proof of Age/Date of Birth  
Immunization Record  
Proof of Residence

Acceptable proof of residence includes the following:

Utility turn-on notice or bill  
Escrow papers  
Rental agreement

*\*A driver's license or personal check are not acceptable as proof of residence.*

If you and your child are currently living with a family member or friend, we must have proof of that person's address, along with a signed letter, stating that you and your child reside with them.

### **RELEASE OF DIRECTORY INFORMATION**

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

1. Name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Major field of study

7. Participation record in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

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

### **Notification to Parents/Guardians**

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

20 USC 1232g; 34 CFR 99.37)

(cf. 5125 - Student Records)

(cf. 5145.6 - Parental Notifications)

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

### **Parent/Guardian Consent**

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

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

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

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

## **SCHOOL CLUBS AND ORGANIZATIONS**

We recognize the importance of student organizations. It is believed that such organizations should exist for the benefit of all students and not to the detriment of any. All school-sponsored organizations are directly responsible to the Principal, Assistant Principal, and/or Vice Principal for procedures to be followed. In the interest of all students the following rules and regulations governing student organizations are in effect:

1. School-sponsored student organizations shall meet on school premises on school days with a faculty advisor present. Off-campus activities must have the approval of the Principal, Assistant Principal, and/or Vice Principal of the school site.
2. Applications for membership shall be extended to all student applicants who qualify on the basis of school approved club purposes and objectives.
3. School clubs must submit their charters to A.S.B. annually for review and ratification.
4. School clubs that are approved for fundraising activities must comply with all expectations listed on the fundraising application and complete fundraising sales recap sheets with the A.S.B. Bookkeeper in a timely manner upon completion of their approved sales activity.

High school students participate in a number of organizations other than those approved by the A.S.B. These include community service, religious, social and youth-serving types. Such organizations and their members are prohibited from on-

campus activities during school time or at school-sponsored events. Only school-sponsored clubs/groups may petition A.S.B. for fundraising on campus.

## **SCHOOL DANCES**

### **SECONDARY (7-12)**

School dances, except the Prom (seniors only), is open to all currently enrolled students in good standing at their school. A current student I.D. card and approved dance application form is necessary to purchase a ticket. Discount prices are available to A.S.B. cardholders. Guest tickets are available at the discretion of school administration with properly completed guest application signed by an administrator for approval prior to purchasing tickets. At the high school level (9-12), guest age is limited to 9<sup>th</sup> grade through 20 year olds – guests must not have reached their 21<sup>st</sup> birthday by the date of the dance/event.

All tickets are presale and non-transferable. Students who have been suspended prior to the event are subject to the 30-calendar-day exclusion from any school-sponsored extracurricular activity/event. All students suspended after purchasing a ticket are not eligible for a refund.

## **STUDENT RECORDS**

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

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

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

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

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

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

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

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

## **STUDENT RIGHTS**

Hesperia Unified School District believes in the positive contributions our students make to their school and community. Our hope is that these contributions continue to be fostered by the school and its programs as well as its procedures. The duties and responsibilities of students along with the consequences for violating those responsibilities are specified by various codes and policies. The school and district are legally bound to inform all students of these consequences. Along with the responsibilities that each student must follow come the students' rights, listed as follows:

1. Students have the right to an education, which is purposeful, significant, and comprehensive as judged by the educational standards for public schools. Students have the right to participate in their education by being represented on committees that allow them curriculum input that at least partly reflects their concerns and interest.
2. Students have the right to a reasonable expectation of physical safety and protection of personal property on school grounds during normal school hours and during school-sponsored activities.
3. Students have the right to reasonable notification of the rules and policies that govern their school.
4. Students have the right to freedom of association and thus may form political or social organizations as long as these organizations do not infringe on the rights of others and are not secret in nature.
5. Students have the right to organize and create a student government. They also have the right to freely elect or appoint their peers to student government positions under the guidelines of the school constitution.
6. Students have the right to present petitions, complaints or grievances to authorities, and the right to speedy judgment regarding the above.
7. Students have the right to the same respect from school personnel that they are asked to show.
8. Students have the right to the free exercise of silent speech through buttons, arm bands or other displays on their persons as long as it is nothing slanderous, libelous, obscene or disruptive according to the current legal definitions.
9. Students have the right, on their own campus, to distribute political literature, newspapers, or other printed matter as long as it is not slanderous, libelous or obscene according to current legal definitions. All materials must be submitted for prior review to the Principal or designee at least 24 hours in advance of the distribution date. There shall be no interruption of classrooms in the exercise of this right.

## **TITLE IX AND STUDENTS**

Based on federal law, Title IX, state law and District policy, no student shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of actual or perceived sex, sexual orientation, and gender (including gender identity, gender expression, marital status, parenting, pregnancy, childbirth, or related medical condition).

Male and female students have the right to equal learning opportunities in their schools and must be afforded equal opportunities in all District educational activities and programs, including:

- Athletics
- Physical education
- The classes they can take
- The way they are treated in the in educational programs and activities
- The kind of counseling they are given
- The extracurricular activities, programs and clubs in which they can participate
- The honors, special awards, scholarships and graduation activities in which they can participate

Pregnant and parenting students, regardless of their marital status, have the same right as any other student to attend any District school or program and to do so in an environment free of discrimination or harassment.

The District shall make reasonable accommodations for pregnant and parenting students, including accommodations responsive to a student's lactating status, so that no student is excluded from participation in, denied benefits of, or subjected to discrimination on the basis of that student's gender/sex. Students who feel that their rights are being violated have the right to take action and are encouraged to resolve a situation by speaking to a school administrator, psychologist, counselor, or trusted adult at school, district administrator, or filing a complaint (see Uniform Complaint Procedures). Students are encouraged whenever possible to try to resolve their complaints directly at the school site. Any student who believes he or she is being discriminated against in violation of Title IX has the right to file a complaint. For further information or assistance, contact your school's administrator or the District's Title IX Coordinator, Isaac Newman-Gomez, 15576 Main St. Hesperia, CA 92345 (760) 244-4411 extension 7233.

## **WITHDRAWAL PROCEDURES**

Withdrawal from a Hesperia Unified School District must be done in person by the **Parent or Legal Guardian** of the student at the school site. Withdrawals cannot be done over the phone or by message. Please return all books and materials. All records will be withheld from the parent and student if fees are owed. Fees will be forwarded to the next school when records are requested.

## **WORK PERMITS**

All working minors under 18 years of age must hold a valid permit to work unless they have received a high school diploma. This includes students enrolled in a work experience education program operated by the school. Students should apply with the Work Experience Coordinator when wanting to work on school days, weekends, or during vacations.

In order to qualify for a work permit, you must maintain a 2.0 G.P.A., not have any outstanding debts to the school, and maintain positive attendance. Until students reach the age of 18, working students must observe the following legal restrictions: on part-time jobs, they may not work more than four hours in a day that they are required to attend school, unless they are enrolled in a work experience program.

1. If students are out of school for the day, they are not permitted to work that night.

Work permits are issued on a probationary basis. A permit may be cancelled whenever it becomes apparent that the employment of a minor is impairing the health or education of the minor, or that any provision or condition of the permit is being violated. A new work permit is required for each employer.

## **TRANSFERS**

### **INTRA-DISTRICT TRANSFERS**

The District wants to advise parents and guardians of attendance options available in the District. (EC48980(h)). These are options for attending schools other than a student's home school.

Students who attend schools other than their home school are referred to as transfer students. Requests for intra-district transfers are available at the district office, online, or at your child's school. These requests are from residents who live within District boundaries and want their child(ren) to attend a school other than their assigned residential school. Due to growth, class size limits and school capacity, it may not be possible to approve all transfers. Requests are granted based on space availability. After space availability is determined, parents will be notified of approval or denial. Transportation is the responsibility of the parent and/or guardian.

### **INTER-DISTRICT TRANSFERS**

Inter-district transfer requests from students who attend school outside the boundaries of Hesperia Unified School District require a release from their home district. The parent or legal guardian of a pupil may seek release from their home district to attend a school in any other school district. Transfer into HUSD will only be approved if space is available.

If you live within the Hesperia Unified School District's boundaries and would like to attend another school district, you may obtain an inter-district transfer permit form from the Student Services Department, located at the Administration and Educational Support Center.

### **OPEN ENROLLMENT**

In accordance with Section 35160.5 of the California State Education Code, residents of the Hesperia Unified School District may apply to enroll their student(s) in a school other than their neighborhood school, if space is available. Our open enrollment period is generally mid-February to mid-March annually for the following school year. It should be noted that space may be available with certain restrictions.

Intradistrict/Open Enrollment transfers will be accepted at your school of choice unless one or more of the following conditions exist:

1. It would result in the displacement of students who reside in the school's boundaries by transferees from outside the school's boundaries;
2. It would cause the school to exceed class size average established by the California State Education Code;
3. It would cause the school to exceed the maximum capacity established by the district for each school;
4. It would cause the school to exceed maximum class size established by the Class Size Reduction Program;
5. It would cause a negative impact on the racial and ethnic balance of the school's population.

All intra-district and inter-district forms are returned to the school site you are requesting to transfer.



# TRANSPORTATION

## **BIKE/SKATEBOARD/SCOOTER RIDERS**

It is highly recommended that parents and guardians work with their children to create a safe route to and from school. All bike riders must provide their own lock for their bike and wear a helmet which is required by law. Traffic safety and respect for private property are to be observed at all times while riding to and from school. For student safety, it is recommended that bike riders live within one mile of the school. Bike riders must have parent permission. Bikes are to be walked directly to the bike area each morning and locked upon arriving on school grounds. The school is not responsible for stolen or vandalized bikes, skateboards, scooters, etc. Bike riders ride at their own risk. Students are encouraged to review bike safety rules with their parents/guardians. Students may not ride skateboards, bikes, scooters, etc. on the school grounds at any time including weekends. Each school site has a designated area to store these items during school hours.

## **BUS RIDERS**

Students living outside the walking distance boundaries will be issued a bus pass at the beginning of the year. Students must show their bus pass each time they board the bus. Progressive discipline will be issued for students not having their bus pass. Students must get a temporary bus pass before school or at lunch. Students may not share bus passes. Students may only ride the bus they are assigned. Non bus riders will not be permitted to ride the bus for any reason. Students living outside school attendance boundaries are ineligible for bus transportation. Bus riding is a privilege, not a right, and misconduct can affect the safety of all children. Kindergarten students will be returned to the school site if there is no one to meet them at the bus stop. When you have a question or concern, please call transportation at (760) 244-4022. They will do their best to address your concerns and answer your questions.

Per Administrative Regulation 3541, students shall be eligible for transportation service to and from school if the distance between their home address and the school is beyond the minimum listed below:

- Kindergarten: three-fourths mile
- Grades 1-6: one mile
- Grades 7-8: two miles
- Grades 9-12: three miles

## **School Bus Expectations**

The school transportation service is provided for the mutual welfare of all that participate. It is important to understand that riding a school bus is a privilege and not a right, and this privilege will be revoked if necessary. Section 14103 of Title 5 of the California Administrative Code states that "Pupils transported in a school bus shall be under the authority of, and direct responsibility to, the driver of the bus."

## **Rules of Conduct**

Students must adhere to the following rules of conduct:

1. Obey the directions of the bus driver at all times.
2. Remain seated at all times.
3. Never throw any objects.
4. No gum, candy, or food is allowed on the bus.
5. Keep bus aisle clear.
6. Refrain from bringing glass containers, animals, or large projects on the school bus.
7. Keep all parts of body (hand, arm, head, etc.) inside the bus at all times.
8. Behave in an orderly manner (no wrestling, fighting, loud voices or noises).
9. Profanity or vulgar language is absolutely prohibited.
10. Students may not be in possession of any controlled substance (tobacco, alcohol, etc.).
11. Do not disturb or damage property on the bus or at the bus stop.
12. Get on/off bus only at regular bus stop. Students who are required to cross the street or highway at a bus stop will cross in front of the bus with the red flashing lights, and under the direction of the bus driver.
13. Keep quiet at the railroad tracks.
14. Do not play with emergency exit handles or doors.
15. Student will ride the same bus route every day. Students are not able to change their bus routes or temporarily ride on a different route. Any transportation changes (i.e., as a result of moving, custody changes, etc.) must be preapproved by the transportation office.

16. No skateboards, razor scooters or any other similar device are allowed on the bus. They may not be brought onto the bus or stored under the bus.
17. All rules of conduct apply to the bus stop and bus loading/unloading zones

### **Bus Discipline Procedures**

Students who violate the rules of conduct are subject to having the privilege of riding the buses suspended. The discipline procedures are as follows: Low Level Incidents 1-3: Written/Verbal warning with parent notification (bus ticket) Low Level Incident 4+: Subject to administrative action.

### **Bus Danger Zones**

Bus driver shall give instruction to students regarding the danger zone prior to departing on all activity trips and during the required safe riding practice instruction that is given at least once each school year. Students who are boarding and leaving school buses shall do so very carefully, walking clear of the danger zone. If students are not met on time at the bus stop for pick up, they will be returned to the school.

**High school students who violate the rules of conduct are subject of having the privilege of riding the buses revoked. The discipline procedures are as follows:**

1. Written/Verbal warning with parent notification (bus ticket)
2. Five-day suspension of bus privileges subject to a Behavior Contract
3. Bus privileges revoked for the remainder of the semester
4. Bus privileges revoked for the remainder of the school year

### **PARENT TRANSPORTATION**

All traffic safety laws are in effect for a school zone. Parent cooperation is expected by picking up your child while following safety procedures. Parents must send a note when their child is being picked up by someone other than their normal pick up person.

### **WALKERS**

Determine the safest route between your home and the school, using crosswalks. Establish time limits for a direct walk to and from school. Parents/Guardians must send a note to the office if their child is to walk to a different location. For safety reasons, check with your child often to be sure that your child is traveling directly home or to school. Remind your child never to talk to or accept rides from strangers, and encourage your child to tell you if anything happens on the way to or from school that makes him/her uncomfortable.

# **#IMPACTtheFutureHUSD**

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