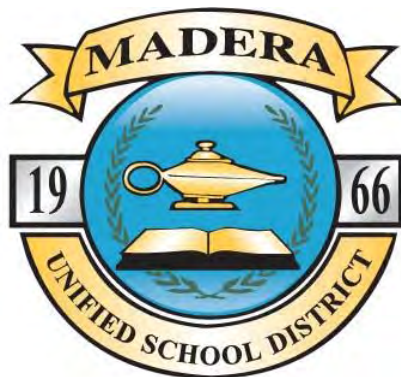


# MADERA UNIFIED SCHOOL DISTRICT

## PARENT AND STUDENT RIGHTS & RESPONSIBILITIES HANDBOOK 2016/2017

BUILDING FOR THE FUTURE...



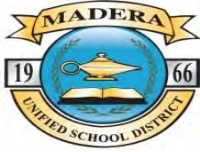
### *Mission Statement*

*Madera Unified Strives For:*

- *The Highest Student Achievement*
- *A Safe and Orderly Learning Environment*
- *Financially Sound and Effective Organization*

### *Vision Statement*

*The Madera Unified School District will be widely recognized throughout California as a leader in education, where the futures of children are driven by their aspirations, not bound by their circumstances.*



# MADERA UNIFIED SCHOOL DISTRICT

## 2016-17 Calendar (180 Days)

JULY 2016						
				1	2	
3	H	5	6	7	8	9
10	11	12	13	14	15	16
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31						

AUGUST 2016						
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SEPTEMBER 2016						
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OCTOBER 2016						
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30	31					

NOVEMBER 2016						
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27	28	29	30			

DECEMBER 2016						
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25	H	H	28	29	30	31

JANUARY 2017						
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8	9	10	11	12	13	14
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22	23	24	25	26	27	28
29	30	31				

FEBRUARY 2017						
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12	H	14	15	16	17	18
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26	27	28				

MARCH 2017						
			1	2	3	4
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APRIL 2017						
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31						

MAY 2017						
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28	H	30	31			

JUNE 2017						
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25	26	27	28	29	30	

HOLIDAYS	
Jul	4 Independence Day
Sep	5 Labor Day
Nov	11 Veterans' Day
Nov	24 Thanksgiving Day
Nov	25 Board-Declared Holiday
Dec	26 Board-Declared Holiday
Dec	27 Board-Declared Holiday
Jan	2 Board-Declared Holiday
Jan	3 Board-Declared Holiday
Jan	16 Martin Luther King Jr. Day
Feb	13 Lincoln's Day (Observed)
Feb	20 Washington's Day (Observed)
April	14 Good Friday
May	29 Memorial Day
THANKSGIVING BREAK	
November 21- November 25	
WINTER RECESS	
December 19 - January 6	
SPRING RECESS	
April 10 - April 14	

ATTENDANCE PERIODS		
Period		# Days
1	8/08/16 - 9/2/16	17
2	9/5/16 - 9/30/16	19
3	10/3/16 - 10/28/16	20
4	10/31/16 - 11/25/16	14
5	11/28/16 - 1/6/16	15
6	1/9/17 - 2/3/17	19
7	2/6/17 - 3/3/17	18
8	3/6/17 - 3/31/17	19
9	4/3/17 - 4/28/17	15
10	5/1/17 - 5/26/17	20
11	5/30/17 - 6/2/17	4
Annual Total		180
FIRST SEMESTER		
1st Qtr - Aug 11 - Oct 7		41 days
2nd Qtr - Oct 10 - Dec 16		44 days
SECOND SEMESTER		
3rd Qtr - Jan 9 - Mar 16		46 days
4th Qtr - Mar 20 - June 2		49 days

NON - SCHOOL DAY	
July 1 - August 10, 2016	
March 17, 2016	

FIRST DAY OF SCHOOL
August 11, 2016
LAST DAY OF SCHOOL
June 2, 2017

INSTITUTE DAYS	
August 8, 2016	
August 9, 2016	
August 10, 2016	

MUSD BOARD APPROVED: MARCH 8, 2016
MOTION NO. 134-2015/16
DOCUMENT NO. 296-2015/16

## About the Parent Notifications and Code of Student Conduct

This Parent Notifications and Code of Student Conduct handbook represents an effort by the Madera Unified School District to provide you with not only information which we must, according to law (E.C. 48980) provide you but also with information which we think will be useful.

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## ATTENDANCE

### Compulsory Attendance

Persons between the ages of 6 and 18, unless otherwise exempt, must attend school on a full-time basis in their school district of residence. (Education Code 48200)

### Student Residency

A student may be enrolled in the District if:

1. The student's parent, legal guardian or other person having control and charge of the student resides in the District. (Education Code § 48200)
2. The District has approved interdistrict attendance. (Education Code § 46600)
3. The student is placed in a regularly established children's institution, licensed foster home, or family home.
4. The student is a foster child who remains in his or her school of origin pursuant to Education Code Section 48850 and 48853.
5. The student is emancipated and lives within the District.
6. The student lives in the home of an adult who has submitted a caregiver affidavit.
7. The student resides in a state hospital within the District. (Education Code § 48204)

The law allows, but does not require a district to accept a student for enrollment where one or both of the student's parents or legal guardian is physically employed within the district's boundaries. (Education Code § 48204)

### Schools of Choice within Madera Unified – "Open Enrollment" Option

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

1. Students who live in the attendance area of a school must be given priority to attend that school over students who do not live in the school's attendance area.
2. In cases which there are more requests to attend a school than there are openings, the selection process must be "random and unbiased," which generally means students must be selected through a lottery process rather than on a first-come, first-served basis. A district cannot use a student's academic or athletic performance as a reason to accept or reject a transfer.
3. Each district must decide the number of openings at each school which can be filled by transfer students. Each district also has the authority to keep appropriate racial and ethnic balances among its schools, meaning that a district can deny a transfer request if it would upset this balance or would leave the district out of compliance with a court-ordered or voluntary desegregation program.
4. A district is not required to provide transportation assistance to a student that transfers to another school in the district under these provisions.

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

Applications to attend a school other than the school the pupil would normally attend must be submitted during March or April of the PRECEDING school year. Permits are subject to revocation under certain circumstances. Permits must be renewed annually, with approval subject to conditions specified in policy. Contact any school office or the Office of Student Services at 559-675-4500 ext. 237 for "Open Enrollment Transfer Request" forms. Parents/Guardians are responsible for transportation.

State regulations (5 CCR 432) require parents to annually verify their residence within the district.

### Schools of Choice within Madera Unified – "Intra-District Transfer Permits"

Parents/guardians may request the transfer of their child(ren) to a school of choice during the same year of the application. Certain restrictions apply. First, all "open enrollment" applicants are to be given preference, prior to considering an "Intra-District Transfer Permit." Second, no such transfer request may be honored during the first two weeks of the school year, in order to allow residents of the attendance area the opportunity to attend their normal school. Principals may waive this restriction, if they are confident that their school will have ample space. Parents/guardians are responsible for transportation and permits are subject to revocation under certain circumstances. Permits are not valid beyond the year in which they are granted. Contact any school office or the Office of Student Services at 559-675-4500 ext. 237 for an "Intra-District Transfer Request" forms.

### Transfer Into or Out of the Madera Unified School District – "Inter-District Transfer Permits"

If granted an "Inter-District Attendance Permit," pupils whose parents/guardians are residents of the Madera Unified School District, may attend school in another School District. Similarly, pupils residing outside of the Madera Unified School District may be allowed to attend Madera's schools. The Governing Board will allow such transfers for a limited number of reasons. Preference is given to the requests of parents/guardians of pupils (K-12) whose place of employment is located within the district of desired attendance area (Education Code 48204 – BP 5117). Information about procedures and applications (forms) are available from the Office of Student Services at 559-675-4500 ext. 237 for "Other Intra-District Transfer Request" forms.

Denied requests for transfers out of or into the Madera Unified School District for reasons other than parental or guardian place of employment may be appealed to the County Office of Education serving the county in which the denying district is located. The telephone number for the Madera County Office of Education is 559-673-6051.

### Notice of Alternative Schools

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

1. Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
2. Recognize that the best learning takes place when the student learns because of his desire to learn.

3. Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may be conceived by him totally and independently or may result in whole or in part from a presentation by his teachers of choices of learning projects.
4. Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous permanent process.
5. Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.
5. "Immediate family", as used in this section has the same meaning as set forth in Section 45194 shall be deemed to reference to "pupil", refers to mother, father, grandmother, grandfather, or a grandchild of the pupil or of the spouse of the pupil, and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the pupil, or any relative living in the immediate household of the pupil. (Education Code 48205)
6. For the purpose of jury duty in the manner provided for by law.
7. Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
8. For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.

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

### **Temporary Disability**

A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction. It is the responsibility of the pupil's parent or guardian to notify the school district in which the pupil is deemed to reside of the pupil's need for individualized instruction. A student with a temporary disability who is in a hospital or other residential health facility, other than a state hospital, which is located outside the student's school district of residence, shall be deemed to comply with the residency requirements of the school district in which the hospital is located (Education Code § 48206.3, 48207, 48208, 48980(b)). Contact the Office of Student Services (675-4500 ext. 237 or 250) for additional information.

### **Leaving School Grounds**

Pupils must remain at school during the school day, except in the following circumstances:

1. Participation in a school-sponsored activity, such as a sporting event or "field trip." On such occasions, pupils must remain with supervising personnel.
2. Seniors, who are in good standing at Madera High School or at Madera South High School, may leave for lunch. While students are held accountable for their behavior during such time, "Neither the school district nor any officer or employee thereof shall be liable for the conduct or safety of any pupil during such time as the pupil has left the school grounds". (Education Code 44808.5)

### **Excused Absences**

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

1. Personal illness or injury.
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, 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.

9. For the purpose of serving as a member of a precinct board for an election pursuant to section 12302 of the Elections Code.
10. For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed service, 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 of the school district.

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

### **Absence for Religious Exercises and Instruction**

Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend a minimum school day. (Education Code 46014) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

### **No Academic Penalty for Excused Absence**

No pupil may have his or her grade reduced or lose academic credit for any absence or absences which are excused for the reasons specified in "Excused Absences" when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. (Education Code § 48205, 48980(j))

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.

### **Need for Absence Note**

If the absence will be for several days, a phone call the first day will be appreciated. When students who have been absent for one or more days return to school, parent/guardian must present a satisfactory explanation verifying the reason for the absence. Unless verification is obtained, the

school must record any absence as unexcused with the following possible consequences:

1. The student may not be allowed to make up missed assignments/tests.

Methods maybe used to verify student absences:

- a. Written note from parent/guardian, parent representative, or student if 18 or older.
  - b. Conversation, in person or by telephone, between the verifying employee and student's parent/guardian or parent representative.
  - c. Verification may be a school or public nurse, an attendance supervisor, a physician, a principal, a teacher or any other district employee assigned to make verification for the district.
2. The student may be classified as a truant.

**Non-Participation of Physical Education (P.E.)**

Non-participation of Physical Education (P.E.) for more than three days requires a written note from a physician. Non-participation of P.E. for three days or less requires a written note from the parent or legal guardian. If a student has a non-participation note from a parent or legal guardian students are still asked to participate to the best of their ability. If they are unable to participate in any way students are still expected to make up the work for points missed during missed PE days. An example of a make-up activity could be book work required to earn daily points.

The district Wellness policy supports physical activity to reduce obesity and the development of chronic diseases such as Diabetes. A "Physical Education Recommendation" form is required to be submitted for consideration of modification of participation in required Physical Education classes. The form can be obtained from the school nurse.

**Unexcused & Excused Absences/Truants:  
Habitual, Chronic & Tardies**

"Any pupil who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be reported as truant..." (Education Code 48261)

Madera Unified School District identifies a student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. (Education Code 48260, MUSD BP 5113.1)

Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and parent/guardian or parent representative. (Education Code 48262, 48264.5, MUSD BP 5113.1)

Chronic means a student who is **absent for any reason** 10 percent or more of the school days in the school year. The total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays.

- When a parent/guardian receives a "Chronic Absence Letter" from the school site that states a doctor's note must accompany any further absences to be excused. Only those days listed on the physician verification will be designated as excused.

Chronic truant means a student has been absent from school **without a valid excuse** for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the

district has met the requirements of Education Code 48260-48263 and 48291. (Education Code 48263.6) MUSD BP 5113.1

Students who are classified as habitual chronically truants may be subject to any/all of the following:

1. Required to attend Saturday make-up classes.
2. Referred to the local School Attendance and Review Board.(SARB)
3. Referred to the Truancy Intervention Program pursuant Ed. Code 48260 - 48260.6.
4. Referred to the District Attorney. Parents/guardians, of truant students may be fined in Court for their failure to insure attendance at school.

**Letters/Notices of Truancy**

Madera Unified School District schools use an automatic, computer-based system ("Truancy Hunter") to generate notices to parents/guardians when pupils initially become truant. If pupils subsequently fail to attend school as required by law, and pupils continue to become chronically or habitually truant; parent/guardians must work with the school site administrator to develop a written action plan to help reduce habitual and chronic absences. If no improvement, parent/guardian along with the pupil will be referred to District SARB.

## **NONDISCRIMINATION & COMPLAINTS**

**Declaration of Nondiscrimination**

District programs and activities shall be free from discrimination. Students shall be provided an equal opportunity in all educational programs and activities regardless of disability (mental and physical), gender (includes gender identity and gender related appearance and behavior whether or not associated with the person's assigned sex at birth), nationality (includes citizenship, country of origin and national origin), race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), or the perception of one or more of such characteristics. (Education Code, 210-214, 220 et seq., 6626066264, Cal. Code Regs., Tit. 5, 4900 et seq., 20 U.S.C. 1681 et seq., 29 U.S.C. 794, 42 U.S.C. 2000d et seq., 42 U.S.C. 12101 et seq., 34 C.F.R. 106.9)

**Equal Opportunity**

Equal opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Education Amendments of 1972.) Inquiries on all matters, including complaints, regarding the implementation of Title IX in the District may be referred to the District official listed below at the following address and telephone:

Chief Academic Office  
1902 Howard Road, Madera, CA 93637  
(559) 675-4500 ext. 246

**Sexual Harassment Policy**

Each student will receive a written copy of the district policy on sexual harassment. The purpose of this policy is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies. A copy of the District's policy on sexual harassment is attached. (Education Code §§ 231.5, 48980(g))



## **Expectant Mother**

Pregnant and parenting students are not excluded from participation in their regular school program. If a student voluntarily agrees to participate in a specialized program for pregnant and parenting teens, the program is comparable to that offered to non-pregnant students.

## **Prohibition of Gender Bias in Classes, Courses of Study, Guidance, Counseling and Physical Education**

Except for classes, related sex education (Education Code 51550), all classes and courses must be open to enroll pupils regardless of their gender, and all classes and courses must be conducted without regard to the gender of the pupils enrolled. Vocational and school guidance may not differ on the basis of gender. All pupils, regardless of gender, must be offered counseling that does not differentiate career, vocational, or higher educational opportunities on the basis of sex of the pupil counseled. School personnel acting in a career counseling or course selection capacity shall affirmatively explore with the pupil the possibility of careers, or courses leading to careers, that are nontraditional for that pupil's sex. Parents are hereby encouraged to participate in counseling sessions and decisions. Physical education activities/sports, which are required for pupils of one sex, shall be available to pupils of each sex. (See Education Code 221.5)

## **Uniform Complaint Procedures Board Policy 1312.3**

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

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)  
(*cf. 3553 - Free and Reduced Price Meals*)  
(*cf. 3555 - Nutrition Program Compliance*)  
(*cf. 5141.4 - Child Abuse Prevention and Reporting*)  
(*cf. 5148 - Child Care and Development*)  
(*cf. 6159 - Individualized Education Program*)  
(*cf. 6171 - Title I Programs*)  
(*cf. 6174 - Education for English Language Learners*)  
(*cf. 6175 - Migrant Education Program*)  
(*cf. 6178 - Career Technical Education*)  
(*cf. 6178.1 - Work-Based Learning*)  
(*cf. 6178.2 - Regional Occupational Center/Program*)  
(*cf. 6200 - Adult Education*)
2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any person in district programs and activities including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government

Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)  
(*cf. 0410 Nondiscrimination in District Programs and Activities*)  
(*cf. 4030 Nondiscrimination in Employment*)  
(*cf. 5145.3 Nondiscrimination/Harassment*)  
(*cf. 5145.7 Sexual Harassment*)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)  
(*cf. 5146 - Married/Pregnant/Parenting Students*)
4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)  
(*cf. 3260 - Fees and Charges*)  
(*cf. 3320 - Claims and Actions Against the District*)
5. Any complaint alleging that the district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)  
(*cf. 0460 - Local Control and Accountability Plan*)
6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)  
(*cf. 6173.1 - Education for Foster Youth*)
7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)  
(*cf. 6173 - Education for Homeless Children*)
8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)  
(*cf. 6152 - Class Assignment*)
9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school. (Education Code 51210, 51223)  
(*cf. 6142.7 - Physical Education and Activity*)
10. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy.
11. Any other complaint as specified in a district policy

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

participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

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

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

*(cf. 5125 - Student Records)*

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

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

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

*(cf. 3580 - District Records)*

### **Uniform Complaint Procedures Administrative Regulation 1312.3**

#### Community Relations

Except as the Governing Board may otherwise specifically provide in other district policies, these general 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)*

#### Compliance Officers

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

Chief Academic Officers  
1902 Howard Road  
Madera, CA 93637  
(559) 675-4500

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

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

The Office of the Chief Academic Officer is responsible for all of the following activities:

- a. Intake and logging of complaints.
- b. Assignment of the complaints to the appropriate compliance officer.
- c. Monitoring cases through their resolution, including any possible appeals.
- d. Maintenance of all records pertaining to each case.

The following compliance officer(s) shall receive and investigate complaints and shall ensure district compliance with law:

Adult Education  
Coordinator of Adult Education/CTE/ROP  
1902 Howard Road  
Madera, CA 93637  
(559) 675-4500

Consolidated Categorical Aid Programs  
Director of Categorical Programs/English Learners  
1902 Howard Road  
Madera, CA 93637  
(559) 675-4500

Migrant Education  
Director of Migrant Education -Merced County Office of Education  
632 W. 13th Street  
Merced, CA 95340  
(209) 381-6600

Career Technical and Technical Education and Training Programs  
Director of College and Career Readiness  
1902 Howard Road  
Madera, CA 93637  
(559) 675-4500

Local Control and Accountability Plan  
Director of Performance Management and Internal Communication  
2401 W. Almond Ave  
Madera, CA 93637  
(559) 664-8034

Athletic Programs  
Director of Athletics  
1902 Howard Road  
Madera, CA 93637  
(559) 675-4500

Child Care and Developmental Programs  
Director of Preschool  
1816 Howard Road, Suite 1  
Madera, CA 93637  
(559) 675-4490

Child Nutrition Programs  
Director of Child Nutrition  
769 South Pine  
Madera CA 93637  
(559) 675-4546

Special Education Programs  
Director of Special Services  
1902 Howard Road  
Madera, CA 93637  
(559) 675-4500

Safety Planning Requirements  
Director of Student Services  
1902 Howard Road  
Madera, CA 93637  
(559) 675-4500

Incidents Involving Discrimination by Certificated and  
Classified Staff  
Chief Human Resources Officers  
1902 Howard Road  
Madera, CA 93637  
(559) 675-4500, Ext. 275

Incidents Involving Discrimination by Students  
Director of Student Services  
1902 Howard Road  
Madera, CA 93637  
(559) 675-4500

The Superintendent or designee shall ensure that employees designated to investigate complaints receive training and are knowledgeable about the laws and programs which they are assigned to investigate. Training provided to such designated employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating complaints, including those involving alleged discrimination, applicable standards for reaching decisions on complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the Superintendent or designee.  
(*cf. 4331 - Staff Development*)  
(*cf. 9124 Attorney*)

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

#### Notifications

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

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)  
(*cf. 0420 - School Plans/Site Councils*)  
(*cf. 0460 - Local Control and Accountability Plan*)  
(*cf. 1220 - Citizen Advisory Committees*)  
(*cf. 3260 - Fees and Charges*)  
(*cf. 4112.9/4212.9/4312.9 - Employee Notifications*)  
(*cf. 5145.6 - Parental Notifications*)  
(*cf. 6173 - Education for Homeless Children*)  
(*cf. 6173.1 - Education for Foster Youth*)

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

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
  - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
  - d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
  - e. The Board is required to adopt and annually update a local control and accountability plan (LCAP), in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.  
(*cf. 0460 - Local Control and Accountability Plan*)
  - f. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.

- g. A foster youth or homeless student who transfers into a district high school or between district high schools shall be notified of the district's responsibility to:
    - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
    - (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency
    - (3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1
  - h. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
  - i. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
  - j. Copies of the district's UCP are available free of charge.
- 3. A complaint alleging unlawful discrimination, (such as discriminatory harassment, intimidation, or bullying), may be filed only by a person who alleges that he/she personally suffered 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 discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
  - 4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
  - 5. When the complainant or alleged victim of unlawful discrimination (such as discriminatory harassment, intimidation or bullying) requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
  - 6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

#### District Responsibilities

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

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

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

#### Filing of Complaint

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

All complaints shall be filed in accordance with the following:

- 1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
- 2. Any complaint alleging noncompliance with the 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. (Education Code 49013, 52075)

#### Mediation

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

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

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

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

#### Investigation of Complaint

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

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in complaint to the

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

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

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

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

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

#### Report of Findings

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

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

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

#### Final Written Decision

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

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

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

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

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

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

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

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

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

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint.
- b. Individual remedies offered or provided to the subject of the complaint.

- c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence.
6. Notice of the complainant's right to appeal the district's decision to the CDE within 15 calendar days and procedures to be followed for initiating such an appeal.

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

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

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

#### Corrective Actions

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

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

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

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

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

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

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

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

#### Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 512283.3, 52075; 5 CCR 4632)

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

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

1. A copy of the original complaint.
2. A copy of the 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.

**Williams Act Procedures**  
**Administrative Regulation 1312.4**

Types of Complaints

The district shall use the following procedures described in this administrative regulation only to investigate and resolve the following: (Education Code 35186; 5 CCR 4680-4683)

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:
  - a. A student, 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 student 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 student.
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
  - d. A student 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. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that:
  - 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 students in the class. (cf. 4112.22 - Staff Teaching English Language Learners)
  - c. 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 students 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 students 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)

3. Complaints regarding the condition of school facilities, including any complaint alleging that:
  - a. A condition poses an emergency or urgent threat to the health or safety of students 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 students 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 students 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 students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)  
(cf. 3514 - Environmental Safety)  
(cf. 3517 - Facilities Inspection)

Filing of Complaint

A complaint alleging any condition(s) specified 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)

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 at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. 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 Governing Board 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 students or staff as described in item #3a in the section "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

On a quarterly basis, the Superintendent or designee shall report to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (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.

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.

### **Sexual Harassment and Hate-Motivated Behavior (Hate Violence)**

#### Prohibition of Sexual Harassment

The Governing Board is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

#### Prohibition of Hate-Motivated Behavior

It is the intent of the Board to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. Behavior or statements that degrade an individual on the basis of his/her race, ethnicity, culture, heritage, sex, gender, sexual orientation, physical/mental attributes, religious beliefs or practices shall not be tolerated. The right to freedom of speech shall be weighed against the property right bestowed on students to a safe and orderly educational environment by the Constitution of the State of California.

#### Definitions

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 gender, in the educational setting.

"Hate motivated behavior" is any act, or attempted act, intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by hostility towards a victim's real or perceived ethnicity, national origin, immigrant status, religious belief, sex, gender, sexual orientation, age, disability, political affiliation, race, or any other physical or cultural characteristic.

A "hate crime" is a criminal act or attempted criminal act committed against a person or his or her property because the person is, or is perceived to be, a member of a protected class.

#### Points to Remember

Sexual harassment could occur between people of the same gender – and hate violence between persons of the same race, nationality or cultural/ethnic group.

Students do not have to endure sexual harassment or hate violence. Students are urged to report such incidents as soon as possible.

Students are encouraged to report observed instances of sexual harassment or hate violence perpetrated against other persons, whether students or employees, even where the victim of the harassment or violence has not complained.

All District personnel are responsible to report incidents of sexual harassment and hate violence.

#### Site Level Grievance Procedure

Any student who feels that he/she is being or has been subjected to sexual harassment or hate violence shall immediately contact his/her teacher or any other employee with whom the reporter feels comfortable. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Any school employee who observes any incident of sexual harassment or hate violence involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment or hate violence involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the Superintendent or designee.

The principal or designee to whom a complaint of sexual harassment or of hate violence is reported shall immediately investigate the complaint in accordance with administrative regulations. Where the principal or designee finds that sexual harassment or hate violence occurred he/she shall take prompt, appropriate action to end the harassment or violence and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file an incident report with the Superintendent's Office or designee and refer the matter to law enforcement authorities, where required.

#### Unresolved Complaints

If the complainant is dissatisfied with the results of the actions taken in accordance with the grievance, the complainant may submit her/his persisting concerns to the principal's immediate supervisor (Chief Academic Officer) for review and resolution. If the complainant is still dissatisfied, she/he shall be advised that she/he may file a complaint in accordance with the Uniform Complaint Procedure. (See Board Policy 1312.3)

#### Disciplinary Measures

Any student who engages in sexual harassment or hate violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 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.



# STUDENT DISCIPLINE

## General Information

This section is intended to be a summary of the District's policies regarding "Student Discipline." If the need arises and you would like a copy the District's Board Policies and Administrative Regulations, which provide greater detail, please contact the Office of Student Services (675-4500 ext. 235 or 236). Should any part of this summary be in conflict with the District's Board Policy or Administrative Regulations, the Board Policy and Administrative Regulations shall control. In addition, if there is a conflict between the Board Policy and Administrative Regulations and State Law, State Law shall control. (Education Code 35291 and 35291.5)

Copies of each school's rules may be obtained from the school office and are generally published in the Student/Parent Handbook.

## Duties of Pupils

The California Code of Regulations, at Title 5 (5CCR) Section 300, requires pupils to conform to school regulations, obey all directions, and be diligent in study and respectful to teachers and others in authority, and restrain from the use of profane and vulgar language.

Education Code Section 44807 Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning.

## Unacceptable Behaviors and Disciplinary Consequences

Specific behaviors are forbidden by the Education Code and by District Policy. Violations of these laws and policies may result in advising and counseling students, conferencing with parents/guardians, detention during and after school hours, community service, placement in alternative programs, suspension (temporary removal from school), or expulsion (long-term removal from school).

Detention during lunch shall allow for a reasonable amount of time for lunch; and detention during recesses shall allow for attention to personal hygienic needs. (Education Code 44807.5)

Corporal punishment shall not be used. The use of reasonable and necessary force by an employee to protect oneself or students or prevent damage to District property shall not be considered corporal punishment. (Education Code 49001)

The severity of disciplinary consequences depends upon several factors such as the nature or seriousness of the offense and whether or not the offense is a first offense. Ordinarily, suspension (and expulsion) shall be imposed only when other means of correction fail to bring about proper conduct, or whenever the student has committed a serious, first-time offense; or when it is also determined that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5 and 48915)

In lieu of suspension from school, pupils may be assigned to On-Campus Suspension, to Community Service, to Saturday School, to Counseling, and/or to Anger Management.

## Suspension and Expulsion

Teachers may suspend students from class for discipline violations. Teachers may require parents of suspended pupils to attend school with their children for a portion of the school day. (Education Code 48900.1)

Principals may suspend students for up to five (5) school days for serious offenses. Students may also be suspended and recommended for expulsion for certain offenses. See the sections following the section entitled, "Suspendable and Expellable Offenses."

Students, who are recommended for expulsion, may have their suspension extended. Prior to extending the suspension, school officials will conduct a meeting in which the parents/guardians are invited to participate.

If a student is recommended for expulsion, the student and the student's parents/guardians are entitled to a hearing. The hearing will be conducted by an Administrative Hearing Panel of three or more certificated persons, none of whom are members of the Board or employed on the staff at the school in which the student is enrolled.

## Appeals

Suspensions may be appealed at school sites having more than one administrator by contacting an administrator at the site who did not impose the suspension. At sites having only a single administrator (principal), contact the school site designee. The decision of these administrators is final.

If a student is expelled, whether or not the student's expulsion order is suspended, the student or the student's parents/guardians may, within thirty (30) days following the decision of the Governing Board, file an appeal to the County Board of Education at 673-6051.

## Parents/Guardians Required to Attend Class

Board Policy 5141.1 authorizes teachers to suspend a pupil from their classrooms because the pupil has committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority. The teacher may also require parents to attend a portion of a school day in the class from which the student was suspended.

This policy shall apply only to a parent/guardian who lives with the student.

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law.

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

The principal or designee shall contact any parents/guardians who do not respond to the request to attend school.

After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

## Loss of Privileges

District Board Policy and Administrative Regulation 5127 govern revocation and loss of participation in privileged activities. For purposes of Board Policy 5127, privileged activities include, but are not limited to, any extracurricular activity that is not related to the regular classroom, does not occur during class time, is not graded and is not offered for credit. Specifically, for purposes of the 2016/2017 school year the following privileged activities are covered by Board Policy 5127 and related school site rules: dances, rallies, recreational trips, reward trips, fundraising events and graduation/promotion ceremonies

or activities. Under Board Policy 5127, the school site may place a student on the “Non-Privilege List.” A student who is on the Non-Privilege List may not participate in privileged activities.

Unless other expressly stated in Board Policy 5127, eligibility for and loss of the privilege of participating in District extra-curricular and co-curricular activities is governed by Board Policy 6145 and related school site rules.

#### Suspensions, Recommendations for Expulsion, and Suspended Expulsions

A student who has been suspended shall automatically be placed on the Non-Privilege List and shall not be allowed to participate in privileged activities during the duration of the student’s suspension. A student suspended and recommended for expulsion shall automatically be placed on the Non-Privilege List and shall not be allowed to participate in privileged activities during the duration of the student’s extended suspension pending an expulsion hearing, until it is determined that the student will/will not be expelled. An expelled student whose expulsion order has been suspended may only participate in privileged activities if expressly permitted to do so under the provisions of his/her expulsion order.

#### Failure to Return District Property

A student who fails to return loaned District property when return is due, other than a uniform loaned for participation on a District sports or other team, may be placed on the Non-Privilege List and may not participate in privileged activities until the District property is returned or the student or his/her parents or guardian reimburse the District for the value of the loaned District property.

A student who was loaned a uniform for participation on a District sports or other team, and who fails to return the loaned uniform when return is due, may be denied participation on the subsequent District sports or other team that the student desires to participate on until the student returns the previously loaned uniform or the student or his/her parents or guardian reimburse the District for the value of the loaned District property. Apart from this specific requirement under this regulation, all other terms or requirements for eligibility in District extra-curricular and co-curricular activities is governed by Board Policy 6145.

#### Failure to Pay a Lawfully Imposed and/or Agreed Upon Financial Obligation

A student who fails to pay a lawfully imposed and/or agreed upon financial obligation may be placed on the Non-Privilege List and may not participate in privileged activities.

#### Notice of Privilege Revocation

For purposes of the denial of participation in privileged activities based upon a student’s suspension or an extended suspension pending expulsion, revocation of the right to participate in privileged activities shall be effective immediately upon the issuance of the suspension.

There is no appeal right under Board Policy 5127 and this regulation with regard to revocation of the participation in privileged activities related to a suspension, extended suspension pending expulsion, or suspended expulsion order. Any challenge to the suspension, extended suspension, or suspended expulsion order underlying a revocation of participation in privileged activities under Board Policy 5127 is governed by the procedures and requirements set forth in Board Policy 5144.1 or school rules.

Prior to denial of a student’s participation in privileged activities because of his or her placement on the Non-Privilege List for failure to return District property or failure to pay a lawfully imposed and/or agreed upon financial obligation, the student and his/her parent or guardian shall be made aware of the grounds for such denial by written notice and shall be given an opportunity to respond. The notice must be provided two (2) weeks in advance of the first privileged activity for which the student will be denied participation.

The notice shall provide the student and his/her parent or guardian information regarding the opportunity to meet with the principal in advance of revocation of the student’s right to participate in privileged activities. The notice shall also provide the student and his/her parent or guardian information regarding the means whereby he/she may appeal any final decision by the school site principal to revoke the student’s ability to participate in privileged activities.

#### Appeal of Decision to Revoke Privileges

Upon the school site principal’s final decision to revoke a student’s ability to participate in privileged activities, the student shall have a right to appeal the decision to the District’s Associate Superintendent of Educational Services or designee. A student or his/her parent or guardian may request an appeal to the Associate Superintendent of Educational Services or designee by mail or by telephone. Upon receiving a request for an appeal, the Associate Superintendent of Educational Services or designee shall schedule a meeting within ten (10) schooldays to meet with the student and his/her parent or guardian regarding the student’s appeal.

The purpose of appeal meeting is to discuss the causes, the duration, the school policy involved, and other matters pertinent to the revocation of the student’s ability to participation in privileged activities, and to provide the student and his/her parent or guardian an opportunity to explain why such a revocation is improper.

The Associate Superintendent of Educational Services or designee shall provide written notice of his/her decision regarding the student’s appeal of the revocation of participation in privileged activities within three (3) schooldays following the appeal meeting.

#### **Suspendable and Expellable Offenses**

1. **48900(a)(1) PHYSICAL INJURY/VIOLENCE**  
Caused, attempted to cause, or threatened to cause physical injury to another person; (2) Willfully used force or violence upon the person of another, except in self-defense.
2. **48900(b) WEAPONS/DANGEROUS OBJECTS**  
Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object unless, in the case of possession of an object of this type, the student has obtained written permission to possess the item from a certificated school employee, which is concurred by the principal or the designee of the principal.

Note: Students are considered to be in violation of this provision if they provide prescription and/or nonprescription medications, vitamins, or other potentially harmful substances to others; or whenever they possess or use such substance without having obtained appropriate clearance. (See Section on “HEALTH”)

Students are considered to be in violation of this provision if they deliberately or recklessly cause others to come into contact with potentially contaminated body fluids or blood-borne pathogens.

Sunscreen is not considered to be an over-the-counter medication (Education Code 35183.5). Nor is it considered to be an otherwise potentially harmful substance. Pupils may use sunscreen during the school day without a physician’s note or prescription, and without permission from school authorities.

Penal code 417.27 prohibits possession of laser pointers on campus or pointers on campus or pointer lasers at another person’s eyes, at moving vehicles, or into the eyes of guide dogs.

3. **48900(c) DRUGS/ALCOHOL**  
Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance, listed in Chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.

4. **48900(d) FAKE DRUGS/ALCOHOL**  
Unlawfully offered, arranged, or negotiated to sell a controlled substance, listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
5. **48900(e) ROBBERY/EXTORTION**  
Committed or attempted to commit robbery or extortion.
6. **48900(f) PROPERTY DAMAGE**  
Caused or attempted to cause damage to school property or private property. "School property" includes, but is not limited to, electronic files and databases.
7. **48900(g) THEFT**  
Stolen or attempted to steal school property or private property.
8. **48900(h) TOBACCO**  
Possessed or used tobacco, or any products containing tobacco or nicotine products, including but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a student of his or her own prescription products.
9. **48900(i) PROFANITY/OBSCENITY**  
Committed an obscene act or engaged in habitual profanity or vulgarity.
10. **48900(j) DRUG PARAPHERNALIA**  
Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, defined in Section 11014.5 of the Health and Safety Code.
11. **48900(k) DISRUPTION/DEFIANCE**  
Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.  
  
Examples include but are not limited to the following:
  - a. Trespassing, loitering, tardiness, and/or cutting classes.
  - b. Failure to attend class or school-related activities attentively.
  - c. Creating disruptive distractions.
  - d. Defiance or disrespect toward or verbal abuse of school personnel.
  - e. Violation of school rules, Board Policies (including the dress code and closed campus provisions) or laws, which govern student conduct.
  - f. Doing or saying things, which lead to or instigate fighting or physical aggression.
  - g. Engaging in fighting (pushing, shoving, wrestling, etc.), which is not intended to cause and is unlikely to cause physical injury.
  - h. Engaging in gang-related activities, which, taken one at a time, do not have the effect of creating a hostile or intimidating environment, or of materially disrupting school activities.
  - i. Doing or saying things, which border on "sexual harassment" as defined in Education Code section 48900.2. (see below)
  - j. Doing or saying things, which border on "hate violence" as defined in Education Code section 48900.3. (see below)
  - k. Doing or saying things, which otherwise demean or defame a person or cause the person emotional distress.
  - l. Making false accusations against another – including the commission of perjury.
12. **48900(l) RECEIPT OF STOLEN PROPERTY**  
Knowingly received stolen school property or private property.
13. **48900(m) IMITATION FIREARM**  
Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar to physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
14. **48900(n) SEXUAL ACTS**  
Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
15. **48900(o) INTIMIDATION OF WITNESS**  
Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness or both.
16. **48900(p) SOMA**  
Unlawfully offered, arranged, to sell, negotiated to sell, or sold the prescription drug Soma.
17. **48900(q) HAZING**  
Engaging in, or attempted to engage in hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil 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 pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.
18. **48900(r) BULLYING**  
Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:
  1. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
    - a. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
    - b. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
    - c. Causing a reasonable pupil to experience substantial inference with his or her academic performance.
    - d. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the service, activities, or privileges provided by a school.

2. “Electronic Act” means the transmission, by means of an electronic device, including, but not limited to, a telephone, wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - a. A message, text, sound, or image.
    - b. A post on a social network Internet Web site including, but not limited to:
      - (I) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph 1.
      - (II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believe that the pupil was or is the pupil who was impersonated.
      - (III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
19. **48900(t) AIDING AND ABETTING**  
A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to the provisions of this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
20. **48900.2 SEXUAL HARASSMENT**  
Committed sexual harassment as defined in Section 212.5; The conduct described in Section 212.5 must be considered by reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in Kindergarten and grades 1 to 3, inclusive.
- Section 212.5, defines “sexual harassment” as unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature.
21. **48900.3 HATE VIOLENCE**  
Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in subdivision (e) of Section 233.
- As used in this section, “hate violence,” means any act punishable under Section 422.6, 422.7, or 422.75 of the Penal Code”.  
(Education Code233)
- This section applies to pupils enrolled in grades 4 to 12, inclusive.
- Hate violence is the commission of any crime, which is accompanied by an expression of hostility against a person or property or institution because of the victim’s real or perceived race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. Specifically prohibited is the use of force or the threatened use of force to willfully injure, intimidate, interfere with, or oppress any person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state and nation.
22. **48900.4 INTENTIONAL HARASSMENT/INTIMIDATION**  
Intentionally engaged in harassment, threats, or intimidation directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment. This section applies to pupils enrolled in grades 4 to 12, inclusive.
23. **48900.7(a) TERRORISTIC THREATS**  
A pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determined that the pupil has made terroristic threats against school officials or school property, or both.
- For the purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$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, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.
- 48915(c) State Required Recommendations for Expulsion**
1. Possessing, selling, or otherwise furnishing, a firearm.
  2. Brandishing a knife.
  3. Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
  4. Committing or attempting to commit a sexual assault as defined in subdivision (n) of section 48900.
  5. Possession of an explosive.
- 48915(a) State-Mandated Consideration of Expulsion**
1. Causing serious physical injury to another person, except in self-defense.
  2. Possession of any knife or other dangerous object of no reasonable use to the pupil.
  3. Unlawful possession of a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
  4. Robbery or extortion.
  5. Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- Madera Unified Board-Mandated Consideration of Expulsion (BP 5144.1)**
1. Commission of an assault or battery upon a student or other person resulting in an injury requiring the attention of a licensed medical

- practitioner.
2. Repeatedly engaging in mutual combat (three or more fights within 24 months irrespective of the level of injury caused, attempted, or threatened).
  3. Threatening or menacing school staff.
  4. Possession of a firearm, a knife of any size, an explosive device including firecrackers and fireworks, or of any dangerous object or weapon as defined in Board Policy 5131.7.
  5. Second violations of Education Code sections 48900(c), 48900(d), 48900(j), and/or 48900(q).
  6. Possession of drugs for purposes of sale as evident from both the quantity and packaging of the substances.
  7. The provision of controlled substances to others with or without monetary or other form of exchange.
  8. Board Policy 5131.6 requires any student found in violation of Education Code sections 48900(c) and/or 48900(d) and/or 48900(j) to complete substance abuse prevention educational counseling sessions. Failure to comply can result in suspension and a recommendation of expulsion.

### Dress Code

The Board of Education encourages pupils to dress appropriately, neatly, and cleanly. Dress or grooming that draws undue attention or detracts from the educational process is unacceptable.

The Board finds that participation in gangs, gang-related activities, and wearing gang-related apparel disrupts education and creates a hazard to the health and safety of the school environment. The wearing or displaying of gang-related apparel, insignia, or other gang identifiers is prohibited.

“Gang-related apparel” is defined as any item of clothing, accessory, jewelry, or manner of grooming which, by virtue of its color, arrangement, trademark or other attribute, denotes membership in affiliation with gangs.

This dress code (BP 5132) applies to all students irrespective of gender, race, ethnic group, or religious affiliation, and will be enforced without discrimination.

All school staff, including teachers, classroom aides and other classified staff, as well as school administrators are expected by the Board of Education to ensure that this policy is fairly and consistently implemented throughout the district.

1. Pupils must dress safely. For example, shoes or footwear which is secured at the heel at least by means of straps must be worn at all times at school or during school activities, excepting when it is clearly appropriate and permitted to go barefoot as when participating in water sports.
2. Pupils must dress appropriately for educational activities in which they will participate so as not to endanger their health, safety, or welfare.
3. Clothing and jewelry shall be free of writing, pictures, or any other insignia, which are crude, vulgar, profane, obscene, libelous, slanderous, or sexually suggestive. Clothing and jewelry that advocate or depict racial, ethnic, or religious prejudice, or other unlawful acts, or tobacco, drugs or alcohol are prohibited.

Clothing, including head coverings may not bear any names, insignia, or logos/mascots associated with college, university or professional sports or gang-related symbols of any kind.

4. Hats, caps, and other head coverings may be worn only outdoors, not inside school facilities, including hallways and foyers, to protect against harmful exposure to the sun. In order to shade the face, head coverings must have brims or bills, which extend outward at least 3” (three inches) from the headband. Caps or visors must be worn with the bills facing forward, and not to the side or backwards.
- Hats, caps, or other head coverings may also be worn to protect against inclement weather according to the following guidelines: from October 1 through March 1, or on rainy days, pupils may be allowed to wear hooded sweatshirts/coats with hoods pulled up; head coverings specifically designed as rain gear (even if such headgear does not have a three-inch wide brim or bill); and stocking/knit caps fashioned from yarn. In all other respects, such head coverings shall conform to the restrictions that apply to sun-protective coverings, that is, they may not be worn indoors and they may not bear prohibited designs or inscriptions.

Individual schools may limit this authorization to wear head coverings. They may restrict the use of head coverings to only those, which conform to the color or design requirements specified by the school’s administration. Students and parents are advised to consult with the administration at the school of attendance in this regard, prior to purchasing or wearing hats, caps, or other head coverings.

5. Dark glasses shall not be worn indoors.
6. Clothes shall be clean so as not to promote unhealthy or unsanitary conditions.
7. Clothes must be sufficient to conceal undergarments at all times. Underwear-type sleeveless shirts/blouses, biker shorts, see-through or fishnet fabrics, which expose the body in a sexually suggestive manner, are not acceptable. All shirts/blouses and other upper garments must cover the torso. Bare midriffs, tube tops, or halter-tops are prohibited, including tops or blouses that show midriff when arms are raised above the head. All shoulder straps must be of sufficient width to cover undergarments straps. Openings for neck and arms which expose the body in a sexually suggestive manner are not acceptable. Students in grades 7-12, when attending formal dances, may wear strapless gowns/dresses provided that by doing so, community standards of modesty are not offended.
8. Dresses, skirts, and shorts must be at least mid-thigh length. Students, who participate in pep and cheer, when required by their advisor to wear their cheer uniforms, may wear their cheer outfits without violation of this provision.
9. Bandannas are not allowed.
10. Pants must be worn with the top around the wearer’s waist or hips (NO SAGGING PANTS). Pants may not be worn in such a manner that their bottoms (cuffs) drag along the ground. Pants must be able to stay at the wearer’s waist without a belt. Oversized clothing (EXCESSIVELY BAGGY PANTS), which might allow the easy concealment of weapons, is prohibited.
11. Clothing straps must be fastened.
12. Clothing must be worn, as its design was traditionally intended.
13. Earrings are to be worn in ears only. Accessories may not be worn in other pierced body parts. Accessories must be removed prior to attending any school function or activity unless there is a medically valid reason for not doing so. If accessories cannot be immediately removed, they must be covered.
14. Hair shall be clean and neatly groomed. Haircuts or hairstyles that

draw undue attention to the wearer or detract from the educational process are not acceptable (i.e., unusual designs, colors, symbols, razor cuts, and the like). Writings in the hair are not permitted.

15. Attire that may be used as a weapon may not be worn (e.g., steel-toed boots, chains, items with spikes or studs, etc.).
16. Pupils shall not display any material or paraphernalia, which incites a disruption of the school process or creates a clear and present danger of either the commission of unlawful acts on school premises or the violation of District or school-site policies or rules.
17. Gang-related apparel or paraphernalia, including symbols, emblems, insignias, or other gang identifiers, may not be worn or displayed. This rule prohibits the presence of any apparel, jewelry, accessory, notebook, or manner of grooming which by virtue of its color, arrangement, trademark, wording, or other attribute, denotes membership in, or affiliation with, gangs.

This rule also prohibits the presence of any apparel, jewelry, accessory, notebook, or manner of grooming which, in combination with other conditions or circumstances, denotes membership in or affiliation with gangs. For example, the wearing of a blue/red shirt, in and of itself, may or may not be indicative that the shirt is gang related. However, when a blue/red shirt is worn in the company of other persons who are wearing blue/red shirts and who are flashing gang signs or are speaking in a manner suggestive of gang affiliation, then it may legitimately be concluded that the blue/red shirt worn in such conditions and circumstances is gang-related apparel.

The Governing Board finds that there is an increasing tendency for youth to use brand-name clothing and apparel as a means of signifying gang membership and/or affiliation. Therefore, on a case-by-case basis, administrators may prohibit students from wearing clothing/apparel which bears certain brand names, whenever it is reasonably determined that the student is using the brand name as a means of proclaiming her/his gang membership or affiliation.

In case of doubt as to whether an item is gang-related, the principal or designee will consult with local law enforcement or with other persons, with expertise in gangs, especially those persons, who through the intelligence gathering activities of the local Gang Task Force and are knowledgeable about recent trends in local gang-related apparel, activities, etc. Any apparel, jewelry, accessory, notebook, or manner of grooming which has been determined by these officers, based upon intelligence supplied by the Gang Task Force, is prohibited. Quarterly updates regarding such matters will be provided to site administrators by the Office of Student Services.

18. Clothing that depicts names, insignia, or logos/mascots associated with college, university or professional sports is prohibited (e.g., Bulldogs, Hoyas, Raiders, Las Chivas, etc.). Clothing that depicts names, insignia, or logos associated primarily with college or university academic programs and does not depict names, insignia, or logos/mascots associated primarily with college or university sports programs is permitted (i.e., C.S.U.F., Georgetown, etc.). Modified college or professional team sport clothing, from which team logos and team names have been removed, are professional team sport clothing, from which team logos and team names have been removed, are prohibited whenever numerals, player names or distinctive elements of design remain on display.
19. Initial belts and/or belt buckles are prohibited. Belt straps are not permitted to drape (NO HANGING BELTS).
20. Any apparel, hairstyle, cosmetic, accessory, or jewelry, even if not specifically mentioned above, that creates a safety or health concern, draws undue attention to the wearer, or tends to detract from the educational process, is prohibited.

21. Every high school and middle school student of this District, must have in his/her possession a valid student identification card when on campus or at school functions.

Limited exceptions to this policy may be made by the principal for special days, special events, or other unusual circumstances, such as the need to accommodate health or religious concerns.

Progressive discipline will be imposed for violations of the Dress Code including warnings, confiscation, and disciplinary action including suspension and expulsion for persistent violations.

### **Confiscation of Clothing and Personal Items Having Gang-Related Inscriptions, Symbols or Markings**

The Governing Board has determined that the safety needs of students will be enhanced by the confiscation of clothing and other personal items which bear gang-related symbols, inscriptions, or other markings. Such items will be turned over to the Madera Police Department and its Gang Task Force Unit, which will attempt to obtain parental cooperation in diverting their children from gang involvement. Return of any items so confiscated will be in accordance with the policies and procedures of the Madera Police Department and BP 5145.12.

### **Electronic Signaling Devices**

Board Policy 5131 authorizes students to possess on school campus personal electronic signaling devices including, but not limited to, cellular/digital telephones.

Kindergarten through eighth-grade students inclusive may use such devices only before beginning of the instructional day or after the ending of the instructional day.

Students enrolled in the ninth through the twelfth grades inclusive may use such devices only during non-instructional hours, that is, before and after school and during lunch or other breaks. Passing time is considered to be instructional time and use of electronic signaling devices during passing time is prohibited.

No student may use electronic devices and thereby disrupt the educational program or school activity. Students are not allowed to use electronic devices for illegal or unethical activities such as cheating on assignments or tests.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which, is limited to health-related purposes. (Education Code 48901.5)

School employees are directed to confiscate electronic signaling devices for use during unauthorized times or for improper use, including but not limited to use which causes disruption, which invades another student's privacy, which compromises the confidentiality of school records, which infringes on copyrights, which enables students to cheat on tests, which facilitates activities in violation of the code of student conduct, or which is illegal.

A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with Board policy and administrative regulation.

Notwithstanding other provisions in this policy, the administration of any district school is authorized to restrict either the possession or use of any selected type of electronic signaling device or the possession or use of all electronic signaling devices.

## HEALTH

### Health and Wellness Policy

Madera Unified School District, as required by the Healthy, Hunger-Free Kids Act of 2010, has adopted a comprehensive School Wellness Policy to support student health and learning. The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students.

The Wellness Policy was developed by the District's Wellness Committee consisting of parents, local health professionals, MUSD trustees, teachers, and administrators. The policy focuses on nutrition education, physical activity, and overall student/staff wellness.

While the policy focuses on promoting student health and wellness, it may impact parents in regards to school parties and events. The policy asks that celebrations involving non-compliant (does not meet the California Nutrition Standards) foods only occur once a month. The policy also encourages parents to provide food items that meet the California Nutrition Standards. The following is language from the policy regarding class parties and celebrations:

"Madera Unified School District seeks to provide the best possible learning environment for our students. We strive to support healthy habits in the daily lives of all children to promote academic achievement.

In order to develop traditions that support healthy behavior, the district asks that parents, teachers, and all district staff to choose ways to celebrate birthdays so that every child is included, even those whose birthdays fall during school breaks. To that end, Madera Unified School District will:

- Allow celebrations of any kind involving non-compliant food (e.g., birthday, holiday, reward) to only occur once a month per classroom.
- Encourage teachers to abide by the rules and support the use of non-food celebratory activities. The School District Wellness Committee will provide a list of suggestions to schools, principals, and parents.
- Ensure that parties/celebrations involving food are held after the lunch period or performed in conjunction with the Child Nutrition Department.
- Work towards establishing a system where foods and beverages may be provided during school celebrations for purchase through the districts' Child Nutrition Department at an affordable price for parents.
- Ensure donations of foods and beverages by an outside party (e.g., parents, pizza parlor, etc.) meet the California Nutrition Standards. Donations must be approved by the Director of Child Nutrition to assure compliance. The Director of Child Nutrition will provide a list of approved foods.
- Encourage school staff and parents/guardians or other volunteers to support the District's wellness goals by providing foods or beverages that meet the California Nutrition Standards when selecting any foods or beverages that may be donated for an occasional class party (See Competitive Foods and Beverages, Section 3)
- Coordinate classroom messages with the California Nutrition Standards to encourage healthy eating.
- Ensure, for food and allergy safety reasons, that all food brought onto school campus must be prepared in an approved commercial facility, pre-packaged, and pre-wrapped with a label listing ingredients. Foods with minimal ingredients are encouraged. "

We thank you for assisting in the health and wellness of our students. The complete Student Wellness Policy and a list of approved food items that meet the California Nutrition Standards can be found on the district

website @ [www.madera.k12.ca.us](http://www.madera.k12.ca.us). The policy should also be available in any of our school offices. Any items related to the policy will be found listed under the Child Nutrition Department.

Smoking and second hand smoke pose a significant health risk. Smoking or use of any tobacco-related products and disposal of any tobacco-related waste is prohibited within 25 feet of a school playground. (HSC 104495)

### Accident or Illness

First aid is administered in the event of minor injuries to pupils. Attempts will be made to locate a parent or guardian for a major illness or injury; therefore, it is critical that the emergency card information be kept as current as possible. If a parent, guardian, or emergency contact cannot be located, it may be necessary to call for emergency medical services for treatment or transportation at parent/guardian expense.

### Automated External Defibrillators (AED)

Automated external defibrillators (AED) are in place at Madera Unified School District school sites. Trained employees, certified in CPR, are available to respond to an emergency that may involve the use of an AED during the hours of classroom instruction or when a school-sponsored activity is occurring on school grounds.

### Emergency Epinephrine Auto-Injectors

An emergency epinephrine auto-injector may be administered by a trained employee to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life threatening symptoms of anaphylaxis at school.

### Immunization Record Sharing

The California Immunization Registry (CAIR) is a secure, confidential, statewide computerized immunization information system. Madera Unified School District has access to the CAIR system which allows school nurses to look up student immunization information if your child has received immunizations from a participating CAIR partner.

### Information for Use in Emergencies/Emergency Procedure Card

For the protection of a pupil's health and welfare, the Governing Board of the School District requires that parents/guardians keep current information on file at the student's school of residence. Such information includes parents/guardians home, work, and cell phone numbers and addresses as well as contact information for persons who may assume responsibility for the child in the absence of the parent. As emergency information changes, parents/ guardians should notify the school within 24 hours of the change and complete a new emergency form if necessary. (Education Code 48908)

### Medical and Hospital Services For Pupils

The Governing Board may, under certain conditions, provide medical services for injuries occurring on school district premises during school-sponsored activities or when being transported to/from school sponsored activities. (Education Code 49472)

### Medical and Hospital Services Not Provided

The District does not provide medical and hospital services for students injured while participating in athletic activities. However, all members of school athletic teams must have accidental injury insurance that covers medical and hospital expenses. (Education Code 32221.5, 49471)

### Medical Coverage for Injuries

Medical and hospital services for pupils injured at school or school-sponsored events, or while being transported, may be insured at parent's

expense. No pupil shall be compelled to accept such services without his or her consent, or if the pupil is a minor, without the consent of a parent or guardian (Education Code § 49472). The District may assist you in purchasing Student Accident Insurance. Please contact the District at 675-4500 extension 272. "Under state law, school districts are required to ensure that all members of school athletic teams have accidental injury insurance that covers medical and hospital expenses. This insurance requirement can be met by the school district offering insurance or other health benefits that cover medical and hospital expenses. Some pupils may qualify to enroll in no-cost or low-cost local, state, or federally sponsored health insurance programs. Information about these programs may be obtained by calling 1-800-880-5305. (Education Code § 49472)

### **Parent/Guardian Liability**

Parents or guardians are liable for any willful conduct of their minor children which results in injury to another pupil or to school district personnel, or for any willful cutting or defacing of any school property belonging to a school district or to a school district employee, or for any property belonging to their school district and loaned to the minor student and not returned. (Education Code 48904)

### **Liability When Pupil Is Not On School Property**

No school district shall be responsible or in any way liable for the conduct or safety of any pupil when such pupil is not on school property unless the district has undertaken to provide transportation to and from school premises to a school-sponsored activity off the premises of such school and pupil is under immediate and direct supervision of an employee of the district. (Education Code 44808)

### **Students on Medication**

Parents are to notify the principal and school nurse if their child is on a continuing medication regimen. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician. With parental consent, the principal or school nurse may confer with the physician regarding possible effects of the drug, including symptoms of adverse side effects, omission or overdose and counsel with school personnel as deemed appropriate. (Education Code § 49480)

### **Use of Medicines at School**

Prescription and nonprescription medications required by a student should be administered by a parent at home or by the student's medical provider. Parents should make every effort to have medication times set for time periods other than school hours.

Medication prescribed by a physician for a child may be administered during the school day by a registered nurse or other designated school personnel, or self-administered by the child if the medication is prescription auto-injectable epinephrine or prescription inhaled asthma medication, but only if the parent consents in writing and provides detailed written instructions from a physician. Forms for administering medication may be obtained from the health office or school secretary. (Education Code § 49423, 49423.1, 49423.5, 49480)

1. A written statement from a physician detailing the name of the medication, method, amount and time schedule by which such medication is to be taken.
2. A written statement from the parent/guardian of the student indicating the desire that the school district assist the pupil in the matters set forth in the physician's statement.
3. The medication is provided in a properly labeled container along with the name of the supervising physician. This authorization needs to be renewed annually (BP 5141.21). Without such authorization, no District employee is to assist in the administration

of any medication. No more than a 30 day supply of medication will be kept at the school.

### **Responsible Adult Must Bring Medication to School**

All medication shall be brought to school by a responsible adult, except in situations in which the parent, physician, and school nurse believe it is in the best interest of the student that he or she carries the medication. The student must carry the medication in the container with the original label. Except for inhalers, the student shall carry only one-day's dosage.

### **Use of Non-Prescription Medicines/Health Products**

Students may neither possess nor use any of the following products while they are under school jurisdiction: over-the counter medications, nutritional supplements (such as vitamins and minerals), or similar potentially harmful, consumable products such as energy and/or mood enhancers (BP 5131.7 and 5141.21). Parents/guardians who believe that use of such products at school is essential to the health of their child(ren)/ward(s), may apply for authorization from the school principal. Authorization shall not be granted except under the same conditions, which apply to the use of medications at school, namely, the submission of a detailed written statement from a physician or a written request by the parent/guardian excusing the District from any liability.

### **Pupil Health, Oral Health Assessment & Disability Prevention CHDP Health Check-Up**

To protect the health of children, California law requires that parents of children entering first grade must provide the school nurse with a "Report of Health Examination for School Entry," or a waiver signed by the parent or guardian. The health examination may be given 18 months prior to, or within 90 days after, entrance into first grade. It is the policy of the CHDP Program to urge parents to get their child's health examination upon entrance to Kindergarten.

The District requests a pupil, while enrolled in kindergarten in a public school, or while enrolled in first grade in a public school if the pupil was not previously enrolled in kindergarten in a public school, to no later than April 30 of the school year present proof of having received an oral health assessment that was performed no earlier than 12 months prior to the date of the initial enrollment of the pupil. (EC 49452.8)

### **Physical Exams and Testing**

The District is required to conduct certain examinations including vision, hearing and scoliosis testing of students unless the parent has a current written objection on file. However, the child may be sent home if he or she is believed to be suffering from a recognized contagious or infectious disease. (Education Code § 49451, 49452, 49452.5 and 49455, Health & Safety Code § 124085)

### **Confidential Medical Services**

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

### **Control of Communicable Disease and Immunization of Pupils**

The Governing Board shall cooperate with the local health officer in measures necessary for the prevention and control of communicable disease in school age children. An immunizing agent for communicable disease may be administered to any pupil with the prior written consent of the parent. (Education Code § 49403)

In addition, district personnel follow Public Health guidelines regarding communicable diseases. Keeping students safe and healthy is a priority. Students should not be sent to school if they are showing signs and symptoms of illness. If there is a reasonable suspicion that a child is ill,



he/she will be removed from class, isolated from others as appropriate and sent home. The child will not be allowed back in school until they have been free of symptoms, without medication for 24 hours.

## Immunizations

The District shall exclude from school any pupil who has not been immunized properly. Pursuant to Health & Safety Code section 120325, a parent may consent in writing for a physician, surgeon, or registered nurse acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil at school. (Education Code § 48216, 48980(a), 49403)

## Immunization Requirements

No persons shall be admitted as a pupil to a school or program in Madera Unified School District unless he/she has been fully immunized. Pupils entering school must provide a written immunization record of each required vaccine dose. This record must show the month, day and year of receipt of each required dose. (H & S.C. 120375)

Starting January 1, 2016, parents or guardians of students in any school or child-care facility, whether public or private, will no longer allowed to submit a personal beliefs exemption to a currently required vaccine (SB277)

A child who is refused enrollment because he/she lacks the proper immunizations or immunization records, after three days becomes subject to the state's truancy statutes and District adopted policy on nonattendance at school. (A.R. 5141.3)

### California School Immunization Requirements for School Entry (K-12)

**Polio:** 4 doses, but 3 doses are enough if at least one was given after the 4th birthday.

**DTP/DTAP/DT/TD:** 5 doses, but 4 doses if one was on or after the 4th birthday.

**MMR:** 2 doses after the 1st birthday for Kindergarten and 7th-grade entry.

**Hepatitis B:** 3 doses for Kindergarten entry.

**Varicella:** 1 dose or documentation of disease for Kindergarten entry.

**Varicella:** 1 or 2 doses upon first entrance to a California School.

**Tdap Booster:** All students entering grade 7 must have received the Tdap/Booster. This immunization is valid if given on or after the 7<sup>th</sup> birthday.

### Requirements for Pre-School Entry

<u>Vaccine Requirements</u>	<u>Minimum Requirements</u>
<b>Polio</b>	3
<b>DTP/DTAP</b>	4
<b>MMR</b>	1 on or after the 1st birthday
<b>Hepatitis B</b>	3
<b>HB</b>	1 on or after the 1st birthday

### Madera Unified Entry Requirement

Tuberculosis: A tuberculosis risk assessment questionnaire or an intra-dermal test must be given within one year of first entrance to any Madera Unified School and at 9<sup>th</sup>-grade (or first entrance to high school). It is recommended after travel to a foreign country. A chest x-ray clearance is required in the event of a positive TB skin test reading.

Reference: H. & S.C.: 3380-3390; C.A.C.: Title 17, Section 6000-6075.

## Head Lice Information

Madera Unified School District operates a no live lice policy. Parents will be notified if their student is found to have live lice. Students are allowed to come back to school the next day, providing a head lice

shampoo has been used. The lice shampoo needs to be repeated in 7-10 days. Current recommendations from the Center for Disease Control and Prevention do not support classroom wide screening. Lice do not carry any diseases, but it is important for the family to understand they still need to follow recommended procedures to address lice that may remain in the home. Bedding, clothing, upholstered furniture, including car seats, may harbor lice and nits. Thorough cleaning is required to prevent continued infestation with lice. If you have any questions, contact your child's school nurse. They will be happy to assist you with resources or to answer questions regarding care.

## Scoliosis/Vision/Hearing/Color Screening

Vision and hearing screening are conducted routinely throughout grades K-12, and scoliosis screening may be conducted on 7th-grade girls and 8th-grade boys in accordance with Education Code mandates. Acanthosis Nigricans screening may be provided in conjunction with the scoliosis exam. A waiver may be signed by the parent to exclude the student from screening (EC 49452.6). Credentialed school nurses conduct the screenings and notify parents/guardians of any suspected problems (Education Code 49451, 49452, 49452.5 and 49456). When a defect other than a visual defect has been noted by the supervisor of Health or his/her assistant, a report shall be made to the parent or guardian of the child asking the parents or guardians to take such action as will cure or correct the defect. Color vision is screened on first grade boys. Parents are notified if a color vision deficiency is identified.

## Type 2 Diabetes Information

Type 2 diabetes in children is a preventable/treatable disease. This information is intended to raise awareness about this disease. Contact your student's school nurse, school administrator, or health care provider if you have questions.

### Type 2 diabetes is the most common form of diabetes in adults.

- Until a few years ago, type 2 diabetes was rare in children, but it is becoming more common, especially for overweight teens.
- According to the US Centers for Disease Control and Prevention (CDC), one in three American children born after 2000 will develop type 2 diabetes in his or her lifetime.

### Type 2 diabetes affects the way the body is able to use sugar (glucose) for energy.

- The body turns the carbohydrates in food into glucose, the basic fuel for the body's cells.
- The pancreas makes insulin, a hormone that moves glucose from the blood to the cells.
- In type 2 diabetes, the body's cells resist the effects of insulin, and blood glucose levels rise.
- Over time, glucose reaches dangerously high levels in the blood, which is called hyperglycemia.
- Hyperglycemia can lead to health problems like heart disease, blindness, and kidney failure.

It is recommended that students displaying or possibly experiencing the risk factors and warning signs associated with type 2 diabetes to be screened (tested) for the disease.

### Risk Factors Associated with Type 2 Diabetes

Researchers do not completely understand why some people develop type 2 diabetes and others do not, however, the following risk factors are associated with an increased risk of type 2 diabetes in children:

- Being overweight. The single greatest risk factor for type 2 diabetes in children is excess weight. In the US almost one out of every five children is overweight. The chances are more than double that an overweight child will develop diabetes.
- Family history of diabetes. Many affected children and youth have at least one parent with diabetes or have a significant family history of the disease.
- Inactivity. Being inactive further reduces the body's ability to respond to insulin.

- Specific racial/ethnic groups. Native Americans, African Americans, Hispanics/Latinos, or Asian/Pacific Islanders are more prone than other ethnic groups to develop type 2 diabetes.
- Puberty. Young people in puberty are more likely to develop type 2 diabetes than younger children, probably because of normal rises in hormone levels that can cause insulin resistance during this stage of rapid growth and physical development.

#### Warning Signs and Symptoms Associated with Type 2 Diabetes

Warning signs and symptoms of type 2 diabetes in children develop slowly, and initially there may be no symptoms. However, not everyone with insulin resistance or type 2 diabetes develops these warning signs, and not everyone who has these symptoms necessarily has type 2 diabetes.

- Increased hunger, even after eating
- Unexplained weight loss
- Increased thirst, dry mouth, and frequent urination
- Feeling very tired
- Blurred vision
- Slow healing of sores or cuts
- Dark velvety or ridged patches of skin, especially on the back of the neck or under the arms
- Irregular periods, no periods, and/or excess facial and body hair grown in girls
- High blood pressure or abnormal blood fat levels

#### Type 2 Diabetes Prevention and Treatments

Healthy lifestyle choices can help prevent and treat type 2 diabetes. Even with a family history of diabetes, eating healthy foods in the correct amounts and exercising regularly can help children achieve or maintain a normal weight and normal blood glucose levels.

- Eat healthy foods. Make wise food choices. Eat foods low in fat and calories.
- Get more physical activity. Increase physical activity to at least 60 minutes every day.
- Take medication. If diet and exercise are not enough to control the disease, it may be necessary to treat type 2 diabetes with medication.

The first step in treating type 2 diabetes is to visit a doctor. A doctor can determine if a child is overweight based on the child's age, weight, and height. A doctor can also request tests of a child's blood glucose to see if the child has diabetes or pre-diabetes (a condition which may lead to type 2 diabetes).

#### Types of Diabetes Screening Tests That are Available

- Glycated hemoglobin (A1C) test. A blood test measures the average blood sugar level over two to three months. An A1C level of 6.5 percent or higher on two separate tests indicates diabetes.
- Random (non-fasting) blood sugar test. A blood sample is taken after an overnight fast. A fasting blood sugar level less than 100 mg/dL is normal. A level of 100 to 125 mg/dL is considered pre-diabetes. A level of 126 mg/dL or higher on two separate tests indicates diabetes.
- Oral glucose tolerance test. A test measuring the fasting blood sugar level after an overnight fasting with periodic testing for the next several hours after drinking a sugary liquid. A reading of more than 200 mg/dL after two hours indicates diabetes.

## **INSTRUCTION**

### **School Accountability Report Card**

Education Code Section 3526 requires that school districts develop a School Accountability Report Card (SARC) for each school in the district. These report cards provide a variety of data to allow the public to evaluate and compare schools in terms of student achievement, environment, resources and demographics. The 2014-2015 School Accountability Report Cards (English and Spanish), which were

published during the 2015-2016 school year, and are the most current available may be found on the Madera Unified School District website.

Parents/guardians may request a hard copy of the School Accountability Report Card from their school site principal.

### **Minimum Day Schedule**

A bell schedule for each school's minimum day(s) is included in each school's Student/Parent Handbook. A pupil's parent or guardian will be notified during the school year of any additional minimum days and pupil-free staff development days no later than one month before the actual date. (Education Code § 48980(c))

### **Review of Curriculum**

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

### **Advanced Placement Examination Fees**

Madera Unified School District utilizes California Department of Education grant funds to help defray the costs for advanced placement exam fees for economically disadvantaged students. Each high school AP Coordinator meets with students in Advanced Placement courses each semester to review the eligibility requirements and application process to access this financial support. Please contact the head counselor for more information.

### **College Admission Requirements and Higher Education Information**

#### University of California/California State University (UC/CSU)

#### Minimum College Admissions Requirements:

If you are interested in entering the University of California or California State University as a freshman, you will need to complete a minimum of 15 college-preparatory courses ("a-g" courses) with a grade "C" or better. The course subject requirements are:

"a-g" Courses	Subject	CSU/UC Requirements
<b>a</b>	History/Social Science	2 years required
<b>b</b>	English	4 years required
<b>c</b>	Mathematics	3 years required (e.g., Algebra I and II, Geometry) 4 years recommended
<b>d</b>	Laboratory Science	2 years required (Biology, Chemistry, or Physics), 3 years recommended
<b>e</b>	Language Other Than English	2 years required 3 years recommended
<b>f</b>	Visual and Performing Arts	1 year required
<b>g</b>	College-Preparatory Elective	1 year required

To learn more about college admission requirements, and for a list of District courses that have been certified by the University of California as satisfying the requirements for admission to the UC and CSU, please refer to:

[www.csumentor.edu](http://www.csumentor.edu) – This site offers assistance to students and their families on the CSU system, including the ability to apply online, and links to all CSU campuses.

[www.universityofcalifornia.edu](http://www.universityofcalifornia.edu) – This website offers information regarding admissions, online application, and links to all UC campuses.

Career Technical Education (CTE): CTE is offered by the District as career and workforce preparation for high school students, preparation for advanced training, and upgrading of existing skills. CTE provides high school students with valuable career and technical education so students can:

1. Enter the workforce with high level skills and competencies to be successful.
2. Pursue advanced training in postsecondary educational institutions.
3. Upgrade existing skills and knowledge.

Students are encouraged to meet with a counselor to discuss program that will meet college admission requirements or enroll in career technical education courses.

#### California Community College

A California Community College (CCC) is an additional option for students who wish to continue their education after high school. The CCC system consists of over 100 colleges, with a large number of additional campus centers and classrooms throughout the state. Each college offers a diverse array of educational programs, with specializations that reflect the unique character of the local region.

A broad range of student goals can be met by the California Community Colleges, from associate degree to university transfer, from personal growth to professional training. There are many student services to help you choose your path and stay on it, including academic counseling, financial aid and tutoring.

California community colleges are required to admit any California resident possessing a high school diploma or any person over the age of 18.

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

[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.

Students may also explore career options through career technical education. These are programs and classes offered by a school 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).

#### Information Regarding Professional Qualifications of Teachers, Paraprofessionals, and Aides:

Upon request, parents have a right to information regarding the professional qualifications of their student's classroom teachers, paraprofessionals, and aides. This includes whether the teacher meets the state qualifications and licensing criteria for the grades and subjects s/he teaches, whether the teacher is teaching under an emergency permit or other provisional status because of special circumstances, the teacher's college major, whether s/he has any advanced degrees and the subject(s) of those degrees, and whether any instructional aides or paraprofessionals provide services to your child and, if so, their qualifications.

#### Information Regarding Individual Student Reports on Statewide Assessments:

Parents have a right to information on the level of achievement of their student on every State academic assessment administered to the student.

#### Limited English Proficient Students:

The law requires prior notice to be given to parents of limited English proficient students regarding limited English proficiency programs, including the reasons for the identification of the student as limited English proficient, the need of placement in a language instruction educational program, the student's level of English proficiency, how such level was assessed, the status of the student's academic achievement, the methods of instruction used in the programs available, how the recommended program will meet the student's needs, program performance, parent options to remove a student from a program and/or to decline initial enrollment, and expected rate of transition into classrooms not tailored for limited English proficient students.

#### **Families in Transition (Homeless)**

Madera Unified School District believes that all children should have the opportunity to receive appropriate educational services. All children residing within the district shall have immediate access to district schools and services. Children identified as homeless under the Federal McKinney-Vento Act have educational rights. (Education Code 48850 – 48859)

The McKinney-Vento Act defines homeless children as youth between the ages of 4-18 years old, who lack a fixed, regular, and adequate nighttime residence and may: live in a hotel or motel; live in a shelter or transitional housing; live in an abandoned building, parked car, or other facility not designed as a regular sleeping accommodation for human beings; share housing with another family due to loss of housing, stemming from financial hardship; live in a trailer park or campsite due to the lack of adequate living accommodations; are abandoned at a hospital; are placed by the state in an emergency shelter; are awaiting foster placement; are migratory, runaway or abandoned children that qualify as homeless because they are living in circumstances described above.

#### **Foster Youth**

Madera Unified School District recognizes youth in foster care. Foster Youth Services (FYS) provides support to students who have been displaced from family and school. FYS ensure that health and school records are obtained to establish appropriate placement. Madera Unified School District provides comprehensive services to improve attendance, educational achievement, and socioemotional well-being.

For further information please contact:

Madera Unified School District  
Student Services Department  
Rachel Donatelli, Program Manager  
1902 Howard Road  
Madera, CA 93637  
Telephone: 559-675-4500 Ext. 237 or 250

#### **California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act**

California state law, the California Healthy Youth Act, requires that comprehensive sexual health education and HIV prevention education be provided to students at least once in middle school or junior high school and once in high school, starting in grade 7. Students in grade 8 and 10 will be enrolled in a 9-week health class designed to assist children in coping with both the pressures of entering adolescence and the changes they are experiencing within themselves. (Education Code 51933 and 51934)

Instruction must encourage students to communicate with parents, guardians or other trusted adults about human sexuality. Instruction must be medically accurate, age-appropriate and inclusive of all students. It must include the following:

- Information about HIV and other sexually transmitted infections (STIs), including transmission, FDA approved methods to prevent HIV and STIs, and treatment
- Information that abstinence is the only certain way to prevent unintended pregnancy and HIV and other STIs, and information about value of delaying sexual activity
- Discussion about social views of HIV and AIDS
- Information about accessing resources of sexual and reproductive health care
- Information about pregnancy, including FDA approved prevention methods, pregnancy outcomes, prenatal care, and the newborn safe surrender law
- Information about sexual orientation and gender, including the harm of negative gender stereotypes
- Information about healthy relationships and avoiding unhealthy behaviors and situations.

Curriculum is available for preview upon parent request.

Parents may request in writing that their child not receive comprehensive sexual health education or HIV prevention education. Parents may inspect the written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education. Parents have the right to request that the District provide them with a copy of Education Code section 51938 and 48980.

District personnel will provide the family life instruction. If arrangements are made to use outside consultants, parents/guardians will be notified at least 14 days before the instruction is given, and will be asked to sign and return to school an acknowledgment that they have received the notification. If parent/guardian wishes to excuse his/her child from instruction, he/she must provide a separate written request. (Education Code § 51938, 5145.6)

#### **Excuse from Instruction in Health – Education Code Section 51240**

Upon written request of a parent, a pupil may be excused from any part of instruction in health which conflicts with the parent(s) religious training or beliefs (including personal moral convictions). (Education Code § 51240)

#### **Child Abuse Education**

When a pupil is to participate in a Child Abuse Education program, the parent/guardian will be provided a prior written notification and prior written parent permission for the pupil to attend.

#### **Dissection of Animals**

If a student has a moral objection to dissecting (or otherwise harming or destroying) animals, or any part of an animal, the pupil must notify the teacher regarding such objection, and the objection must be substantiated with a note from the pupil's parent or guardian. If the pupil chooses to refrain from participating in such a project, and if the teacher believes that an adequate alternative education project is possible, then the teacher may work with the pupil to develop and agree upon an alternative education project for the purpose of providing the pupil an alternate avenue for obtaining the knowledge, information or experience required by the course of study. (Education Code § 32255-32255.6)

#### **California English Language Development (CELDT)**

State and Federal laws require all school districts in California to administer a test of English language proficiency to pupils in grades TK – 12 whose primary language is not English. In California, the name of the state test is the California English Language Development Test (CELDT).

The purpose of the assessment is to identify pupils who are:

- Limited English proficient for classification as an English Learner OR as Initial Fluent English Proficient,
- To determine the students specific level of English Language proficiency, and
- To identify the services necessary for English Learner pupils in the acquisition of enhancing their skills in the areas of listening, speaking, reading, and writing in English.

Once identified as the English Learner, the student will be required to the CELDT annually and participate in English Language Development services designed to help them reach a reclassification status of Fluent English Proficient. Based upon the results, pupils are provided with an instructional program that develops their English language proficiency, so they may access the core content curriculum.

#### **English Learner Program**

Parents or guardians of pupils who speak a language other than English will be notified of the English language proficiency assessment results and of the program placement for their child.

All English learners shall be provided with English Language Development services unless a parental exception waiver has been granted for an alternative program if an alternative program is provided; however, a waiver will not exempt any English Learner from taking the annual CELDT test. Parents may request more information from their school site principal.

#### **Title I Program Participation**

Schools may operate as Title 1 School wide if the school receives Title 1 funds and has at least 40 percent of the students from low-income families. All schools in the Madera Unified School District meet the requirement and function as Title 1 School wide. In order to improve the academic achievement of students from economically disadvantaged families, the district shall use federal Title 1 funds to provide supplementary services that reinforce the core curriculum and assist students in attaining proficiency on state academic standards and assessments. The district and each school receiving Title 1 funds shall develop a written parent involvement policy in accordance with 20 USC 6318 and hold an annual Title 1 Public meeting to inform parents of their program. Furthermore, any participating school shall develop, annually review, and update a single plan for student achievement which incorporates the plan required by 20 USC 6314 for reforming the school's total instructional program and plans required by other categorical programs. (Education Code 64001; 20 USC 6314).

#### **School Site Council Definition**

The role of the School Site Council (SSC) is to develop, implement, and evaluate the Single Plan for Student Achievement (SPSA), which includes strategies to increase student achievement and the allocation of categorical funds. The School Site Council must approve the plan and recommend it to the local governing board for approval. The School Site Council shall annually review the SPSA, establish a new budget, and make necessary modifications to reflect changing needs and priorities.

#### **Student Information Gathered from Social Media**

If the Superintendent determines that school and/or pupil safety would be best served by a plan to gather and maintain social media information pertaining directly to school or to pupil safety, the Superintendent or designee may adopt a plan to do so from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed plan, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

## Student Use of Technology

### ACCEPTABLE USE POLICY (AUP) – DEFINITIONS

#### Purpose

The purpose of this policy is to outline rules governing student and employee use of district and school data communication networks, the intranet, and internet safety and to provide for education about appropriate online behavior, including interacting with other individuals on social networking sites and cyberbullying awareness and response.

The Internet and other on-line resources are provided by the district to support the instructional program and to further teaching and learning. The use of the Internet must be to support education and research in accordance with the educational objectives of Madera Unified School District.

#### Legal Basis

1. Reference: Administrative Regulation 4040; Education Code sections 51870-51874; California Penal Code sections 313 and 502; Children's Internet Protection Act H.R. 4577; United States Code Title 18 sections 1460-2246, and 2256; 47 United States Code section 254(h); Public Law 106-554.
2. Access to Harmful Matter. Education Code requires school districts that provide students with access to the internet or to an online service to adopt a policy regarding access to sites that contain or make reference to harmful matter as defined in Penal Code section 313 subdivision (a). "Harmful matter" means that, taken as a whole, the predominant appeal of which to the average person, applying contemporary standards, is to prurient interest (i.e., a shameful or morbid interest in nudity, sex, or excretion); matter which taken as a whole goes substantially beyond customary limits of candor in description or representation of such matters; and matter which taken as a whole is utterly without redeeming social importance for minors.
3. Children's Internet Protection Act (CIPA) Compliance. It is the policy of the district to:
  - a. Prevent user access over its computer network to, or transmission of, inappropriate material via internet, electronic mail, or other forms of direct electronic communications;
  - b. Prevent unauthorized access or other unlawful online activity;
  - c. Prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
  - d. Comply with the Children's Internet Protection Act (CIPA), Public Law 106-554 and 47 United States Code section 254(h).

District data: Information maintained and processed in the conduct of district business as required by state or federal mandate and/or district procedure. Confidentiality restrictions may apply to information maintained as district data records and to all copies of those records.  
District computer/system: Any computer, information system or device owned or operated by the district or operated on behalf of the district including hosted systems and services that are physically located outside the district.

System administrator: Person(s) responsible for managing, maintaining or securing computers, network services, data and/or information systems.

Technology protection measure: A specific technology that blocks or filters internet access to visual depictions that are:

1. Obscene, as the term is defined in United States Code Title 18 section 1460;
2. Depicts, describes, or represents in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Harmful to minors.

Harmful to minors: Any picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest to nudity, sex or excretion;
2. Depicts, describes, or represent in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

Sexual act, sexual contact: As defined in United States Code Title 18 section 2246.

Minor: For the purposes of this procedure, any individual who has not attained the age of 18.

Child pornography: As defined in United States Code Title 18 section 2256.

Computer: Any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with an electronic data processor.

Obscene: As defined in United States Code Title 18 section 1460.

#### Prohibited Use

Users of the district's computers, systems and network are prohibited from:

##### Transmission of:

- Any material in violation of any federal or state law.
- Any information that violates or infringes upon the rights of any other person.
- Any defamatory, inappropriate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material.
- Advertisements, solicitations, commercial ventures, or political lobbying.
- Any information that encourages the use of controlled substances or the use of the system for the purpose of inciting crime.
- Any material that violates copyright laws.
- Using the system to threaten, intimidate, harass, or ridicule other people.
- Using the district's IT resources to store, display or disseminate child pornography. Any such use must be reported to an administrator or school resource officer.
- Accessing, posting, submitting, publishing, or displaying harmful or inappropriate matter that is threatening, obscene, disruptive, pornographic or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.
- Using the system to encourage the use of drugs, alcohol, or tobacco.
- Promoting any unethical practices or any activity prohibited by law, Board policy, or administrative regulations.
- Using vulgar or any other inappropriate language.

- Disclosing, using, or disseminating personal identification information (including but not limited to personal addresses, phone numbers) without authorization or in violation of any applicable law.
- Disclosing, using or disseminating information about any student in violation of Family Education Rights Privacy Act (FERPA).
- Attempting to harm or destroy district equipment or system performance.
- Attempting to harm or destroy another person's data or manipulate the data of any other user, including so-called "hacking."
- Attempting to upload or create computer viruses or other malicious software.
- Attempting to gain access to unauthorized resources or entities.
- Sharing passwords or using an account assigned to another user.
- Attempting to bypass security measures whether or not this action causes additional harm.
- Attempting to interfere with another user's ability to use or access the district's computers, systems or network.
- Attempting to read, delete, copy, modify another user's files without authorization.
- Attempting to use another individual's identity.
- Using the district's computers, systems or network to engage in commercial or other for-profit activities.
- Perform activities that interfere with the ability of students/staff members to use the district's technology resources or other network connected services effectively.
- Using the district's computers or network in violation of any aspect of this or another district policy.

#### Personal Use of District Computing Resources

Personal use of district systems and network resources is prohibited if:

- It interferes with the use of computer or network resources by the District;
- Such use burdens the district with additional costs;
- Such use by a staff members interferes with the staff member's employment duties or other obligations to the district;
- Such use by a student interferes with the student's academic responsibilities; or
- Such use includes any activity that is prohibited under any district board policy, or under state or federal law.

#### Etiquette

The use of the district's data communications networks requires that users abide by accepted rules of network etiquette. These include, but are not limited to:

- Be polite. Do not send abusive, inflammatory, or obscene messages to others. Use language that is appropriate for an educational setting.
- Respect privacy. Do not reveal personal information about students or staff.
- Be considerate. Do not use the network in a way that would disrupt the use of the network by other users.

#### Cyberbullying and Harassment

Staff and students will not use personal communication devices or district property to cyberbully one another. Cyberbullying is the use of any electronic communication device to convey a message in any form (text, image, audio, or video) that intimidates, harasses, or is otherwise intended to harm, insult, or humiliate another in a deliberate, repeated, or hostile and unwanted manner. Cyber-bullying may include but is not limited to:

- Spreading information or pictures to embarrass;
- Making rude, insulting or vulgar remarks online;
- Isolating an individual from his or her peer group;

- Using someone else's screen name and pretending to be that person;
- Forwarding information or pictures meant to be private.

#### Email

Users of electronic mail systems should not be consider electronic communication to be either private or secure; such communications are subject to review by authorized district personnel, may be subject to preservation or discovery during civil litigation, and may be subject to review by the public under the Public Records Act. Messages relating to or in support of illegal activities must be reported to appropriate authorities. Other conditions for use include, but are not limited to:

- Individuals are to identify themselves accurately and honestly in e-mail communications. E-mail account names and/or addresses may not be altered to impersonate another individual or to create a false identity.
- This district retains the copyright to any material deemed to be district data. Use of district data sent as e-mail messages or as enclosures will be in accordance with copyright law and district standards.

#### Responsibilities

Be aware that the use of the Internet is a privilege, not a right. Users should adhere to the following:

- Be aware that inappropriate use may result in loss of privilege.
- Minimize personal use.
- Use the Internet in support of the educational objectives of the district.
- Preserve the physical safety and emotional integrity of others.
- Protect one's own and others' reputations and the right to privacy.
- Use appropriate language.
- Staff should notify a system administrator of any security problem or abuse.
- Use Internet etiquette when sending electronic mail (e-mail).
- Be aware that e-mail is not guaranteed to be private.
- Keep personal account numbers and passwords private and only use the account to which she/he has been assigned.
- Students should report any inappropriate/questionable e-mail contacts, access to chat rooms or inappropriate web sites, misuse of the system, or any security problem to a teacher or the principal.

#### Filtering/Protection Measures

Madera Unified School District provides an Internet content filter to protect its students. Even though the District has taken all responsible actions to ensure that Internet use is only for purposes consistent with the school curriculum, it is impossible to guarantee that all sites are filtered and blocked from appropriateness. The district cannot prevent access to, nor identify, all areas of inappropriate materials on the Internet making it necessary for students to be supervised at all times while using online services. The Madera Unified School District makes no guaranties of any kind, whether express or implied, for the service it is providing. The district will not be responsible for any damages a user incurs. Use of any information obtained via the Internet is at the user's own risk. The Madera Unified School District denies any responsibility for the accuracy or quality of information obtained through its Internet facilities. All users need to consider the source of any information they obtain, and evaluate how valid that information may be. (Cf. CIPA compliance (Children's Internet Protection Act), Library Access Law).

#### Security

Security on any computer system is a high priority. If a user can identify a security problem on the district's systems or network, he or she should notify the district's Technology Services or Instructional Technology departments either in person, in writing, or via email. Users should not demonstrate the problem to other users. Any user identified as a security risk or having a history of misconduct or misuse with other computer systems may be denied access to the district's systems and network.



In order to verify, improve or maintain the security of the district's systems or network, system administrators or contracted third parties may conduct assessments that include attempts to violate the district's security's controls. Such assessments require express written authorization by the district clearly defining and limiting the scope of assessment.

#### Monitoring/Privacy

The Madera Unified School District reserves the right to monitor any material placed on its computers or transmitted over its network in order to determine whether specific uses of its computers, its network or the Internet are inappropriate. Users have no expectation of privacy and the district staff may monitor or examine all system activities to ensure proper use of the system. It is expected that users will employ appropriate etiquette and common sense. The district reserves the right to suspend or terminate the account of any user who misuses the account. (Cf. Penal Code 632 – Eavesdropping on or recording confidential communications)

#### FERPA/Personally Identifiable Information

Employees who have or may have access to personally identifiable student records shall adhere to all standards included in the Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPAA), Children's Online Privacy Protection Act (COPPA), and other applicable laws and regulations, as they relate to the release of student information.

1. Employees may not disclose sensitive or personally identifiable information regarding students to individuals and/or parties not authorized to receive it. Authorization to disclose information of a student to individuals and/or parties must strictly adhere to regulations set forth in the FERPA.
2. Information contained in these records must be securely handled and stored according to district directives, rules and policies and if necessary destroyed in accordance with state information retention standards and archival policy.

#### Violations

Penalties for violating this policy may include:

- Suspension of account and network privileges.
- Appropriate school disciplinary action (for students).
- Appropriate employee disciplinary action (for employees).

Violations that include criminal activity will be reported to law enforcement.

#### Copyright

Users of the district's network and systems must follow copyright laws at all times. Students should refer all questions regarding copyright concerns to their teacher or a school administrator. The following examples are representative, not exhaustive. Users are prohibited from:

- Downloading, posting, reproducing or distributing music, photographs, video or other works in violation of applicable copyright laws.
- Engaging in plagiarism. Plagiarism is taking the ideas or writings of others and presenting them as if they were original to the user.

*\*\*Please see Acceptable Use Agreement (AUA)  
under the Forms Section.\*\**

#### **Course Selection and Career Counseling**

Beginning with 7th-grade, parents/guardians have a right to be notified, so that they may participate in career counseling and course selection along with their children. A school counselor, teacher, instructor, administrator, or aide may not, on the basis of the sex of a pupil, offer vocational or school program guidance to a pupil of one sex that is different from that offered to a pupil of the opposite sex of the pupil

counseled. Any school personnel acting in a career counseling capacity to a pupil shall affirmatively explore with the pupil the possibility of careers or courses leading to careers that are nontraditional for that pupil's sex. (Education Code §221.5(d))

#### **Vocational Education**

Equal access to vocational courses is provided to all students, including handicapped and disadvantaged, in regard to recruitment, enrollment, and placement activities.

#### **Savings for Higher Education**

Parents/guardians are advised of the importance of investing for future college or university education for their children. Investment considerations should include United States Savings Bonds. Education Code 48980(d)

#### **Physical Education Apparel**

Pursuant to guidance issued by the California Department of Education and the Education Code, school sites may require students to wear standardized clothing for P.E., including clothing of a specific color and design suitable for general wear outside of school. This year's school site required P.E. uniform includes color and design shorts and color and design shirt, otherwise suitable to be worn outside of school and P.E.

Students may purchase a P.E. uniform compliant with these general design requirements through the school. All proceeds raised through the purchase of P.E. uniforms will remain at the school site. However, students are not required to purchase their P.E. uniform from the school, and students may wear existing clothes or purchase clothes from other sources compliant with the school site's P.E. uniform general color and design requirements. A student's grade will not be lowered or otherwise impacted upon any failure to wear compliant P.E. clothing if such failure was clearly beyond that student's control. Students unable to comply with the uniform requirements should inform their P.E. instructor. If a student doesn't bring compliant PE clothes to class "loaner uniforms" are available from the PE office.

Note, required "design elements" cannot include clothing that contains school site emblems, insignia, names, etc.; however, the set of P.E. uniforms sold by the school site may include such emblems, insignia, names, etc.

## **STUDENT RECORDS YOUR RIGHTS**

#### **Student Records: Access and Challenges (Education Code 49063, 49069, 34 C.F.R. 99.7)**

1. A parent or guardian has the right to inspect and review student records relating directly to their child during school hours within five (5) business days of his/her request.
2. Any parent who wishes to review the types of student records and information contained therein may do so by contacting the principal at his/her child's school. The principal of each school is ultimately responsible for maintenance of student records which may include the following: cumulative files; special education; health; and discipline records.
3. A parent with legal custody has a right to challenge information contained in his/her child's records. Any determination to expunge a student's record is made after a review of said record(s) by site administrators and certificated staff. Following an inspection and review of student records, the parent may challenge the content of the student's record. The right to challenge becomes the sole right of the student when the student becomes eighteen (18) years of age.

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

- a. Inaccurate.
- b. An unsubstantial personal conclusion or inference.
- c. A conclusion or inference outside of the observer's area of competence.
- d. Not based on the personal observation of a named person with the time and place of the observation.
- e. Misleading.
- f. In violation of the privacy or other rights of the pupil.

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

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

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

4. A Student Records Log is maintained for each student. The Student Records Log lists persons, agencies or organizations requesting and/or receiving information from the records to the extent required by law. Student Record Logs are located at each school and are open to inspection by parents or guardians. (Education Code § 49064)
5. School officers or employees having a legitimate educational interest, as well as persons identified in Education Code sections 49076 and 49076.5 and in the Family Educational Rights and Privacy Act, may access student records without first obtaining parental consent. "School officers and employees" are persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel). A Board member, a person or company with whom the District has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist) or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A "legitimate education interest" is one held by a school officer or employee whose duties and responsibilities create a reasonable need for access. (Education Code § 49063(d), 49076, 49076.5, 20U.S.C. § 1232g)

6. Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others.
7. No charge shall be made for the first two copies of a student's transcript or up to two verifications of records for any former student.

All other requests for records shall be subject to a charge of 25 cents per page. The same charge may be assessed for copies of laws, regulations, policies and materials produced by the District in excess of copies of those same materials otherwise distributed free by the District.

8. Parents have a right to file a complaint with the U.S. Department of Education for alleged violations of parent rights related to student records. (20 U.S.C. § 1232(g))
9. Parents may obtain a copy of the District's complete student records policy by contacting the Director of Student Services at 675-4500 ext. 232 or 236.

### **Rights Regarding Student Information and Records Which Are Guaranteed Under Federal Law**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 5 days of the day the School receives a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask the School to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.



A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the School discloses education records, without prior consent, to officials of another school district in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

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

#### **Release of Directory Information**

(School Publications, Media, Schools, Business, Etc.)

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that the Madera Unified School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures. The primary purpose of directory information is to allow the district to include the type of information from your child's education records in certain school and/or district publications.

Examples include:

1. A playbill, showing your child's role in a drama production.
2. The annual yearbook.
3. Honor roll or other recognition lists.
4. Graduation programs.
5. Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

#### **Release of Directory Information**

(Armed Services Recruiters)

In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents/guardians have advised the district that they do not want their child's information disclosed without their prior written consent.

If you do not want the district to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by the last day of school in September. You must submit your request to withhold directory information to the Office of Student Services using the appropriate district form. For further information, please call 559-675-4500, extension 236.

The district has designated the following information as directory information:

1. Name

2. Address\*
3. Telephone Number\*
4. Electronic Mail Address\*
5. Photograph
6. Date and Place of Birth
7. Major Field of Study
8. Participation in officially recognized activities and sports
9. Weight and height of athletic team members
10. Dates of attendance
11. Degrees and awards received
12. Most recent previous school attended

\*The district will not release the student's address, telephone or electronic mail address to media or non-educational institutions, businesses or agencies, excepting the armed forces of the United States without the express permission of the parent.

#### **Transfer of Pupil Records**

When a student transfers to another school district or to a private school, this District shall forward a copy of his/her mandatory permanent records as requested by the other district or private school. The original or a copy shall be retained permanently by this District. (C.C.R., Title 5, Section 438)

Mandatory interim records shall be sent upon request to other California Public School Districts. Mandatory interim records may also be sent to out-of-state or private schools requesting them. (Title 5, Section 438)

Permitted records may be sent to any other Public School District or Private School. (Title 5, Section 438)

All student records shall be updated before they are transferred. (Title 5, Section 438)

If the student transfers into the District from another school district or a private school, this District shall inform the parent of his/her right to receive a copy of the permanent record received from the former school. The parent also shall be informed of his/her right to have a hearing in which to challenge the contents of that record. (Title 5, Section 438)

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

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

#### **Interpretation of Records**

Qualified certificated personnel are available, when requested to interpret pupil records.

#### **Pupil Rights Protection U.S. - Department of Education Programs**

The following applies only to programs directly funded by the U.S. Department of Education:

The Protection of Pupil Rights Amendment (PPRA) is a federal law that affords certain rights to parents of minor students with regard to surveys that ask questions of a personal nature. Briefly, the law requires that schools obtain written consent from parents before minor students are required to participate in any U.S. Department of Education funded survey, analysis, or evaluation that reveals information concerning the following areas:

1. Political affiliations;
2. Mental and psychological problems potentially embarrassing to the student and his/her family;
3. Sex behavior and attitudes;
4. Illegal, anti-social, self-incriminating and demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

The No Child Left Behind Act of 2001 contains a major amendment to PPRA that gives parents more rights with regard to the surveying of minor students, the collection of information from students for marketing purposes, and certain non-emergency medical examinations. In addition, an eight category of information (\*) was added to the law.

Parents or students, who believe their rights under PPRA may have been violated, may file a complaint with ED by writing the Family Policy Compliance Office. Complaints must contain specific allegations of fact giving reasonable cause to believe that a violation of PPRA occurred.

For additional information or technical assistance, you may call (202) 260-3887 (voice). Individuals who use TDD may call the Federal Information Relay Service at (800) 877-8339 or you may contact us at the following address:

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

## **SPECIAL SERVICES DEPARTMENT**

### **Child Find - Policies and Procedures**

Madera Unified School District, Special Education department provides special education services for eligible students whose needs require more support than can be provided in the general education classroom alone. The Madera-Mariposa Special Education Consortium provides services for severely handicapped students from birth through 22 years of age.

The infant-toddler program, Early Start, is operated by Madera County Office of Education (MCOE) and is most often a home-based program. This program serves children from birth to three years of age who have intensive needs. Eligible children are those with challenges including developmental delays, speech and language disabilities, visual or hearing impairments, genetic disorders, intellectual disabilities,

emotional disturbance, physical or orthopedic handicaps, premature birth, and other health impairments. Anyone who is aware of a child who may be in need of Special Education support should contact the Department of Special Services, at 675-4500 ext. 266 to complete a referral.

MUSD operates programs for children ages three to 22. Services are currently operated at multiple school sites in the county. Special education is offered in a variety of settings. Providing the least restrictive environment is always the primary goal for students to have experiences with their age appropriate peers to the maximum extent appropriate based on their student needs.

Student services range from general education classrooms with special curriculum materials and extra support to full day in a special day classes. Designated Instruction Services, which include speech and language therapy, nurses' services, counseling, and hearing and vision, may be provided. Currently MCOE provides Adapted P.E. for grades K-6 and speech services.

The Resource Specialist Program is operated at every school site. An individual education program is designed with input from the teacher, parent, school psychologist and other professionals as needed to meet a student's specific needs. The student is provided with specially designed curriculum materials and is taught learning strategies to help the student in general education classes. The student participates in the resource specialist program for specific needs and in general education setting for the majority of the school day.

Special day classes offer educational services for students with moderate to severe disabilities. Students attend special day classes for the majority of the day. These students may have significant learning disabilities, emotional challenges, and multiple disabilities or are intellectually disabled. Non-public schools, including school or institutional placements are available as determined by an expanded IEP team when all other placements have been exhausted.

The range of special education services available for MUSD students are the general education classes, designed from the least restrictive to the most restrictive, environment such as a special day class. The program's goal is to meet the needs of the students with learning challenges and provide opportunities for educational, social and recreational interaction with their age-appropriate peers to the maximum extent.

### **Special Education Rights of Parents and Children under the Individuals with Disabilities Education Act, Part B, and the California Education Code**

#### **• Notice of Procedural Safeguards •** Revised January 2009

Note: The term school district is used throughout this document to describe any public education agency responsible for providing a child's special education program. The term assessment is used to mean evaluation or testing. Federal and state laws are cited throughout this notice using English abbreviations, which are explained in a glossary on the last page of this notification.

#### What is the Notice of Procedural Safeguards?

This information provides parents, legal guardians, and surrogate parents of children with disabilities from three (3) years of age through age twenty-one (21) and students who have reached age eighteen (18), the age of majority, with an overview of educational rights or procedural safeguards.

The Notice of Procedural Safeguards is required under the Individuals with Disabilities Education Act (in English, referred to as IDEA) and must be provided to you:

1. When you ask for a copy.

2. The first time your child is referred for a special education assessment.
3. Each time you are given an assessment plan to evaluate your child.
4. At every IEP meeting.
5. Upon receipt of the first state or due process complaint in a school year.
6. When the decision is made to make a removal that constitutes a change of placement. (20 USC 1415[d]; 34 CFR 300.504; EC 56301[d] [2], EC 56321, and 56341.1[g] [1])

#### What is the Individuals with Disabilities Education Act (IDEA)?

IDEA is a federal law that requires school districts to provide a “free appropriate public education” (FAPE) to eligible children with disabilities. A free appropriate public education means that special education and related services are to be provided as described in an individualized education program (IEP) and under public supervision to a child at no cost to the parent or guardian.

#### Who can participate in decisions about a child’s education?

Parents or guardian must be given opportunities to participate in any decision-making meeting regarding their child’s special education program. Parents have the right to participate in IEP team meetings about the identification (eligibility), assessment, or educational placement of a child and other matters relating to the child’s FAPE. (20 USC 1414[d] [1]B–[d][1][D]; 34 CFR 300.321; EC 56341[b], 56343[c])

The parent or guardian, or the local educational agency (LEA), has the right to participate in the development of an IEP and to initiate their intent to electronically audiotape the proceedings of the IEP team meetings. At least 24 hours prior to the meeting, the parent or guardian shall notify the members of the IEP team of their intent to record a meeting. If the parent audiotapes the proceedings of the IEP team meeting, the LEA may record the proceedings as well.

Rights include information about the availability of Free and Appropriate Education (FAPE), including all program options, and all available alternative programs, both public and nonpublic. (20 USC 1401[3], 1412[a][3]; 34 CFR 300.111; EC 56301, 56341.1[g][1], and 56506)

#### Who can provide help?

When there is a concern about your child’s education, it is important to contact child’s teacher or administrator to talk about your child and any problems that are present. Staff in the school district or the special education local plan area (SELPA) may answer questions about child’s education, rights, and procedural safeguards. This informal conversation is often the best way to address concerns and helps to maintain open communication. Additional resources are listed at the end of this document to help understand the procedural safeguards.

#### What if a child is deaf, hard of hearing, blind, visually impaired, or deaf-blind?

The State Special Schools provide services to students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind at each of its three facilities: the California Schools for the Deaf in Fremont and Riverside and at the California Schools for the Blind in Fremont. Residential and day school programs are offered to students from infancy to age 21 at both State Schools for the Deaf. Such programs are offered to students aged five through 21 at the California School for the Blind. The State Special Schools also offer assessment services and technical assistance. For more information about the State Special Schools, please visit the California Department of Education (CDE) Web site at <http://www.cde.ca.gov/sp/ss/> or ask for more information from the members of your child’s IEP team.

## **Notice, Consent, Assessment, Surrogate Parent Appointment, and Access to Records**

### **Prior Written Notice**

#### When is a notice needed?

This notice must be given when the school district proposes or refuses to initiate a change in the identification, assessment, or educational placement of a child with special needs or the provision of a free appropriate public education. (20 USC 1415[b][3] and (4), 1415[c][1], 1414[b][1]; 34 CFR 300.503; EC 56329 and 56506[a])

The school district must provide a proposed evaluation of child in a written notice or present an assessment plan within fifteen (15) days upon receiving a written request for an evaluation. The notice must be understandable and in the native language or other mode of communication of the parents, unless it is clearly not feasible to do so. (34 CFR 300.304; EC 56321)

#### What will the notice indicate?

The Prior Written Notice must include the following:

1. A description of the actions proposed or refused by the school district.
2. An explanation of why the action was proposed or refused.
3. A description of each assessment procedure, record, or report the agency used as a basis for the action proposed or refused.
4. A statement that parents of a child with a disability have protection under the procedural safeguards.
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part.
6. A description of other options that the IEP team considered and the reasons those options were rejected.
7. A description of any other factors relevant to the action proposed or refused. (20 USC 1415[b][3] and (4), 1415[c][1], 1414[b][1]; 34 CFR 300.503)

### **Parental Consent**

#### When is an approval required for assessment?

Parents have the right to refer the child for special education services. The parent must give informed, written consent before the child’s first special education assessment can be completed. The parent has at least fifteen (15) days from the receipt of the proposed assessment plan to arrive at a decision. The assessment may begin immediately upon consent and must be completed and an IEP developed and meeting held within sixty (60) calendar days.

#### When is approval required for services?

A parent must give informed, written consent before the school district can provide a child with special education and the related services.

#### What are the procedures when a parent does not provide consent?

If a parent does not provide consent for an initial assessment or fails to respond to a request to provide the consent, the school district may pursue the initial assessment by utilizing due process procedures. If a parent refuses to consent to the initiation of services, the school district must not provide special education and related services, but and shall not seek to provide services through due process procedures only if absolutely necessary.

If a parent consents in writing to the special education and related services for a child but does not consent to all of the components of the IEP, those components of the program to which was consented to must be implemented without delay.

If the school district determines that the proposed special education program component to which a parent does not consent is necessary to provide a free appropriate public education to the child, a due process hearing must be initiated. If a due process hearing is held, the hearing decision shall be final and binding.

In the case of reevaluations, the school district must document reasonable measures to obtain consent. If a parent fails to respond, the school district may proceed with the reevaluation without consent. (20 USC 1414[a][1][D] and 1414[c]; 34 CFR 300.300; EC 56506[e], 56321[c] and [d], and 56346)

#### Can Consent be revoked?

If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

1. May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 34 CFR Section 300.503 before ceasing such services.
2. May not use the procedures in subpart E of Part 300 34 CFR (including the mediation procedures under 34 CFR Section 300.506 or the due process procedures under 34 CFR Sections 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child.
3. Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services.
4. Is not required to convene an IEP team meeting or develop an IEP under 34 CFR Sections 300.320 and 300.324 for the child to receive further special education and related services.

Please note, in accordance with 34 CFR Section 300.9 (c)(3), that if parents revoke consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

#### **Surrogate Parent Appointment**

##### What if a parent cannot be identified or located?

School districts must ensure that an individual is assigned to act as a surrogate parent for the parents of a child with a disability when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.

A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. (20 USC 1415[b][2] ; 34 CFR 300.519; EC 56050; GC 7579.5 and 7579.6)

#### **Nondiscriminatory Assessment**

##### How is a child assessed for special education services?

A child should be assessed in all areas of suspected disability. Materials and procedures used for assessment and placement must not be racially, culturally, or sexually discriminatory.

Assessment materials must be provided and administered in the child's native language or mode of communication and in the form most likely to yield the most accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.

No single procedure can be the sole criterion for determining eligibility and developing FAPE for a child. (20 USC 1414[b][1]–[3], 1412[a][6][B]; 34 CFR 300.304; EC 56001[j] and 56320)

#### **Independent Educational Assessments**

##### Can a child be tested independently at the district's expense?

If a parent disagrees with the results of the assessment conducted by the school district, they must offer an independent educational assessment (IEE) of the child from a person qualified to conduct the assessment at public expense.

The parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

The school district must respond to the request for an independent educational assessment and provide information about where to obtain an independent educational assessment.

If the school district believes that the district's assessment is appropriate and disagrees that an independent assessment is necessary, the school district must request a due process hearing to prove that its assessment was appropriate. If the district prevails, a parent still has the right to an independent assessment but not at public expense. The IEP team must consider independent assessments.

District assessment procedures include classroom observations of students. If the school district observes the child in his or her classroom during an assessment, or if the school district would have been allowed to observe the child, an individual conducting an independent educational assessment must also be allowed to observe the child in the classroom.

If the school district proposes a new school setting for a child and an independent educational assessment is being conducted, the independent assessor must be allowed to first observe the proposed new setting. (20 USC 1415[b][1] and [d][2][A]; 34 CFR 300.502; EC 56329[b] and [c])

#### **Access to Educational Records**

##### Can a parent examine their child's educational records?

A parent has the right to inspect and review all of your child's education records without unnecessary delay, including prior to a meeting about the child's IEP or before a due process hearing. The school district must provide access to records and copies, if requested, within five (5) business days after the request has been made orally or in writing. (EC 49060, 56043[n], 56501[b][3], and 56504)

#### **How Disputes Are Resolved - Due Process Hearing**

##### When is a due process hearing available?

A parent has the right to request an impartial due process hearing regarding the identification, assessment, and educational placement of their child or the provision of FAPE. The request for a due process hearing must be filed within two years from the date of an alleged action that forms the basis of the due process complaint. (20 USC 1415[b][6]; 34 CFR 300.507; EC 56501 and 56505[i])

#### **Mediation and Alternative Dispute Resolution**

##### Can mediation or an alternative way to resolve the dispute be requested?

A request for mediation may be made either before or after a request for a due process hearing is made.

The school district can be asked to resolve disputes through mediation or alternative dispute resolution (ADR), which is less adversarial than a due process hearing. The ADR and mediation are voluntary methods of resolving a dispute and may not be used to delay the right to a due process hearing.

#### What is a pre-hearing mediation conference?

Resolution through mediation can be sought prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a non-adversarial manner to resolve issues relating to the identification, assessment, or educational placement of a child or to a FAPE.

At the prehearing mediation conference, the parent or the school district may be accompanied and advised by non-attorney representatives and may consult with an attorney prior to or following the conference. However, requesting or participating in a prehearing mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a prehearing mediation conference shall be filed with the Superintendent. The party initiating a prehearing mediation conference by filing a written request with the Superintendent shall provide the other party to the mediation with a copy of the request at the same time the request is filed.

The prehearing mediation conference shall be scheduled within fifteen (15) days of receipt by the Superintendent of the request for mediation and shall be completed within thirty (30) days after receipt of the request for mediation unless both parties agree to extend the time. If a resolution is reached, the parties shall execute a legally binding written agreement that sets forth the resolution. All discussions during the mediation process shall be confidential. All prehearing mediation conferences shall be scheduled in a timely manner and held at a time and place reasonably convenient to the parties. If the issues fail to be resolved to the satisfaction of all parties, the party who requested the mediation conference has the option of filing for a due process hearing. (EC 56500.3 and 56503)

#### **Due Process Rights**

##### What are my due process rights?

A parent has a right to:

1. A fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings. (20 USC 1415[f][1][A], 1415[f][3][A]-[D]; 34 CFR 300.511; EC 56501[b][4])
2. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities. (EC 56505 [e][1])
3. Present evidence, written arguments, and oral arguments. (EC 56505[e][2])
4. Confront, cross-examine, and require witnesses to be present. (EC 56505[e][3])
5. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions. (EC 56505[e][4])
6. Have the child present at the hearing. (EC 56501[c][1])
7. Have the hearing be open or closed to the public. (EC 56501[c][2])
8. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony within five (5) business days before a hearing. (EC 56505[e][7] and 56043[v])
9. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing. (EC 56505[e][6])
10. Have an interpreter provided. (CCR 3082[d])
11. Request an extension of the hearing timeline. (EC 56505[f][3])

12. Have a mediation conference at any point during the due process hearing. (EC 56501[b][2])
13. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney. (EC 56507[a]) (20 USC 1415[e]; 34 CFR 300.506, 300.508, 300.512 and 300.515)

#### **Filing a Written Due Process Complaint**

##### How is a due process hearing requested?

A written request for a due process hearing must be filed and a representative needs to submit the following information in your request:

1. Name of the child.
2. Address of the residence of the child.
3. Name of the school the child is attending.
4. In the case of a homeless child, available contact information for the child and the name of the school the child is attending.
5. A description of the nature of the problem, including facts relating to the problem(s) and a proposed resolution of the problem(s).

Federal and state laws require that either party filing for a due process hearing must provide a copy of the written request to the other party. (20 USC 1415[b][7], 1415[c][2]; 34 CFR 300.508; EC 56502[c][1])

Prior to filing for a due process hearing, the school district shall be provided the opportunity to resolve the matter by convening a resolution session, which is a meeting between the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (20 USC 1415[f][1][B]; 34 CFR 300.510)

##### What does a resolution session include?

Resolution sessions shall be convened within fifteen (15) days of receiving notice of the parents' due process hearing request. The sessions shall include a representative of the school district who has decision-making authority and not include an attorney of the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If the school district has not resolved the due process hearing issue within thirty (30) days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement. (20 USC 1415[f][1][B]; 34 CFR 300.510)

##### Does a child's placement change during the proceedings?

The child involved in any administrative or judicial proceeding must remain in the current educational placement unless the parent and the school district agree on another arrangement. If applying for an initial admission of a child to a public school, the child will be placed in a public school program with parental consent until all proceedings are completed. (20 USC 1415[j]; 34 CFR 300.518; EC 56505[d])

##### May the decision be appealed?

The hearing decision is final and binding on both parties. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision. (20 USC 1415[i][2] and [3][A], 1415[i]; 34 CFR 300.516; EC 56505[h] and [k], EC 56043[w])

##### Who pays for attorneys' fees?

In any action or proceeding regarding the due process hearing, the court, in its discretion, may award reasonable attorneys' fees as part of the

costs to a parent of a child with a disability if they are the prevailing party in the hearing. Reasonable attorneys' fees may also be made following the conclusion of the administrative hearing, with the agreement of the parties. (20 USC 1415[i][3][B]–[G]; 34 CFR 300.517; EC 56507[b])

Fees may be reduced if any of the following conditions prevail:

1. The court finds that that the parent unreasonably delayed the final resolution of the controversy.
2. The attorneys' hourly fees exceed the prevailing rate in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience.
3. The time spent and legal services provided were excessive.
4. The child's attorney did not provide to the school district the appropriate information in the due process request notice.

Attorneys' fees will not be reduced, however, if the court finds that the State or the school district unreasonably delayed the final resolution of the action or proceeding or that there was a violation of this section of law. (20 USC 1415[i][3][B]–[G]; 34 CFR 300.517)

Attorneys' fees relating to any meeting of the IEP team may not be awarded unless an IEP team meeting is convened as a result of a due process hearing proceeding or judicial action. Attorneys' fees may also be denied if a reasonable settlement offer made by the district/public agency is rejected ten (10) days before the hearing begins and the hearing decision is not more favorable than the offer of settlement. (20 USC 1415[i][3][B]–[G]; 34 CFR 300.517)

To obtain more information or to file for mediation or a due process hearing, contact:

Office of Administrative Hearings  
Attention: Special Education Division  
2349 Gateway Oaks Drive, Suite 200  
Sacramento, CA 95833-4231  
Phone: (916) 263-0880 FAX: (916) 263-0890

### **School Discipline and Placement Procedures for Students with Disabilities - School Discipline and Alternative Interim Educational Settings**

#### May a child with a disability be suspended or expelled?

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for a child with a disability who violates a code of student conduct from his or her setting to:

1. An appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days.
2. Additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct.

#### What occurs after a removal of more than ten (10) days?

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to enable the child to continue to participate in the general education curriculum and progress toward meeting the goals set out in the child's IEP. Also, a child will receive, as appropriate, a functional behavioral assessment and behavioral support services and modifications, which are designed to address the behavior violation so that it does not re-occur.

If a child exceeds ten (10) days in such a placement, an IEP team meeting must be held to determine whether the child's misconduct is

caused by the disability. This IEP team meeting must take place immediately, if possible, or within ten (10) days of the school district's decision to take this type of disciplinary action.

Parents will be invited to participate as members of this IEP team. The school district may be required to develop an assessment plan to address the misconduct or, if child has a behavior support plan, review and modify the plan as necessary.

#### What happens if the IEP team determines that the misconduct is not caused by the disability?

If the IEP team concludes that the misconduct was not a manifestation of the child's disability, the school district may take disciplinary action, such as expulsion, in the same manner as it would for a child without a disability. (20 USC 1415[k][1] and [7]; 34 CFR 300.530)

If a parent disagrees with the IEP team's decision, you may request an expedited due process hearing, which must occur within twenty (20) school days of the date on which you requested the hearing. (20 USC 1415[k][2]; 34 CFR 300.531[c])

Regardless of the setting the school district must continue to provide FAPE for your child. Alternative educational settings must allow the child to continue to participate in the general curriculum and ensure continuation of services and modifications detailed in the IEP. (34 CFR 300.530; EC 48915.5[b])

### **Children Attending Private School**

#### May students who are parentally placed in private schools participate in publicly funded special education programs?

Children who are enrolled by their parents in private schools may participate in publicly funded special education programs. The school district must consult with private schools and with parents to determine the services that will be offered to private school students. Although school districts have a clear responsibility to offer FAPE to students with disabilities, those children, when placed by their parent in private schools, do not have the right to receive some or all of the special education and related services necessary to provide FAPE. (20 USC 1415[a][10][A]; 34 CFR 300.137 and 300.138; EC 56173)

If a parent of an individual with exceptional needs who previously received special education and related services under the authority of the school district enrolls the child in a private elementary school or secondary school without the consent of or referral by the local educational agency, the school district is not required to provide special education if the district has made FAPE available. A court or a due process hearing officer may require the school district to reimburse the parent or guardian for the cost of special education and the private school, only if the court or due process hearing officer finds that the school district had not met the FAPE requirement available to the child in a timely manner prior to that enrollment in the private elementary school or secondary school and that the private placement is appropriate. (20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56175)

#### When may reimbursement be reduced or denied?

The court or hearing officer may reduce or deny reimbursement if the parent did not make the child available for an assessment upon notice from the school district before removing your child from public school. Reimbursement may also be denied if the parent did not inform the school district that they were rejecting the special education placement proposed by the school district, including stating concerns and the intent to enroll your child in a private school at public expense.

Notice to the school district must be given either:

1. At the most recent IEP team meeting the parent attended before removing child from the public school, or

2. In writing to the school district at least ten (10) business days (including holidays) before removing the child from the public school. (20 USC 1412[a][10][C]; 34 CFR 300.148; EC 56176)

When may reimbursement not be reduced or denied?

A court or hearing officer must not reduce or deny reimbursement to if a parent fails to provide written notice to the school district for any of the following reasons:

1. The school prevented the parent from providing notice.
2. The parent did not received a copy of this Notice of Procedural Safeguards or otherwise been informed of the requirement to notify the district.
3. Providing notice would likely have resulted in physical harm to the child.
4. Illiteracy and inability to write in English prevented the parent from providing notice.
5. Providing notice would likely have resulted in serious emotional harm to the child. (20 USC 1412[a] [10] [C]; 34 CFR 300.148; EC 56177)

**State Complaint Procedures**

When can a state compliance complaint be filed?

A parent may file a state compliance complaint when they believe that a school district has violated federal or state special education laws or regulations. The written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education (CDE). When filing a complaint, a copy must be forwarded to the school district at the same time if it is filed as a state compliance complaint with the CDE. (34 CFR 300.151–153; 5 CCR 4600)

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of Education  
Special Education Division  
Procedural Safeguards Referral Service  
1430 N Street, Suite 2401  
Sacramento, CA 95814

For complaints involving issues not covered by federal or state special education laws or regulations, consult the district's uniform complaint procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Procedural Safeguards Referral Service, by telephone at (800) 926-0648; by fax at 916-327-3704; or by visiting the CDE Web site at <http://www.cde.ca.gov/sp/se>.

**Glossary of Abbreviations Used in This Notification**

- ADR: Alternative Dispute Resolution
- CFR: Code of Federal Regulations
- EC: California Education Code
- FAPE: Free Appropriate Public Education
- IDEA: Individuals with Disabilities Education Act
- IEP: Individualized Education Program

OAH: Office of Administrative Hearings

SELPA: Special Education Local Plan Area

USC: United States Code

**Section 504 of the Rehabilitation  
Act of 1973**

**Rights and Protections**

The Rehabilitation Act of 1973 is a nondiscrimination law. The law ensures that disabled students are to have educational opportunities and benefits equal to those provided to non-disabled students. Pupils protected under Section 504 are those who (1) have, (2) who have a record of having, or (3) who are regarded as having a physical or mental impairment that substantially limits their ability to learn. The following rights apply to pupils with exceptional needs (see previous section) and to other disabled pupils who may not require "Special Education."

1. Parents have the right to be informed by the District of their rights under Section 504. (34 CFR 104.32)
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. (34 CFR 104.33)
3. The child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved of an otherwise valid obligation to provide or pay for services provided to a disabled student. (34 CFR 104.34)
4. The child has the right to placement in the least restrictive environment (LRE). (34 CFR 104.34)
5. The child has a right to facilities, services, and activities that are comparable to those provided to non-disabled students. (34 CFR 104.34)
6. The child has a right to an evaluation prior to an initial Section 504 plan and any subsequent significant change in placement. (34 CFR 104.35)
7. Testing and other evaluation procedures must conform to the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations and anecdotal records. (34 CFR 104.35)
8. Placement decisions must be made by a group of knowledgeable persons (i.e., the Section 504 SST), including persons knowledgeable about the child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. (34 CFR 104.35)
9. A parent has the right to notice prior to any action by the District in regard to the identification, evaluation, or placement of your child. (34 CFR 104.436)
10. The parent has the right to examine relevant records. (34 CFR 104.36)
11. The parent has the right to an impartial hearing with respect to the District's actions regarding the child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. (34 CFR 104.36)



12. To challenge the actions of the District's Section 504 Student Study Team with regard to the child's identification, evaluation, or educational placement, a written notice of appeal must be filed with the District's Section 504 Coordinator (Director of Special Services), generally within ninety (90) calendar days from the time of receipt of written notice of the Section 504 Student Study Team's action(s). A hearing will be scheduled before an impartial hearing officer of the date, time and place for the hearing in writing.
13. If the parent disagrees with the decision of the impartial hearing officer, they have a right to a review of that decision by a court of competent jurisdiction. (34 CFR 104.36)
14. On Section 504 matters other than the child's identification, evaluation, and placement, a complaint with the District Section 504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution can be filed.
15. Complaints can be filed with the Office for Civil Rights.

The address of the Regional Office that Covers California is:

Office for Civil Rights  
50 United Nations Plaza Room 239  
San Francisco, CA 94102  
Phone: (415) 556-7000

For questions about Section 504 rights, please contact the Director of Special Services, 1902 Howard Road, Madera CA 93637, (559) 675-4500, ext. 266.

## NUTRITION

### Breakfast, Lunch & Milk Information (Second Meal Prices)

The Madera Unified School District will offer breakfast and lunch at no charge to all students across the district regardless of income levels. This change reduces burdens for both families and school administrators and helps ensure that all students receive nutritious meals. Students may buy a second lunch for \$2.00 and a second breakfast for \$1.00 in grades Kindergarten through 12 for the 2016/2017 school year; extra milk can be purchased for \$.35.

### Community Eligibility Provision (CEP)

The change is the result of the district implementing the Community Eligibility Provision (CEP), a new option available to schools under the National School Lunch Program and School Breakfast Program. CEP allows schools with a high number of low income students to expand access to free school meals while reducing paperwork and streamlining meal service operation. This is the second year districts in California have had the opportunity to participate in CEP.

The CEP will better serve the children of Madera Unified School District, and help ensure that students are not hungry at school while they are trying to learn. If you have any questions about CEP please do not hesitate to call the Child Nutrition Office at (559) 675-4546.

## SAFETY

### Bicycles, Scooters and Skateboards

To help protect our students, rules for use of bicycles, scooters and skateboards to and from school must be followed. It is recommended that only students in grades 3 and above ride bicycles to school. Bicycle helmets are required. None are to be ridden on school grounds.

### Disaster Preparedness

Emergencies happen unexpectedly at any time during the day or night. Confusion that may exist at that time can be reduced by carefully planning what must be done before, during, and after the emergency.

In the event of an emergency during the school day, the best place for the students to remain is at school. School staff-members will put into effect a prearranged disaster preparedness plan that will insure the safety and welfare of all students for the duration of the emergency. During the emergency, it is essential that the school telephones are available to school personnel. The school should be called only if it is absolutely necessary. Students will not be released from school unless the emergency has ended or they have been picked up by their parents or authorized person(s).

Parents should prepare their children for an emergency:

1. By being aware of the emergency procedure instructions given to their children at school.
2. By keeping their child's emergency data card on file at the school and updated at all times.
3. By establishing the safest and most direct route to and from school.
4. By arranging for a neighbor or friend to care for their child if the parents leave home for the day.

The Madera Unified School District has a detailed disaster preparedness program designed to deal with major disasters, including earthquakes.

We will adhere to the following guidelines:

If a serious earthquake should happen during the school day, we will keep all students at school in a safe area until parents/guardians or authorized persons noted on the emergency card arrive at the school. Students not picked up will remain at school until the end of the normal school day, and will be released at that time providing it is safe to go home. Coordinating teams composed of school personnel will direct all emergency operations. If a disaster occurs while students are on the way to school, they should continue on to school or go directly home, depending on road conditions or the shortest route. Please discuss this information at home with your student(s).

### Comprehensive School Safety Plans

All schools are required to develop Comprehensive School Safety Plans, which, based on a current examination of school crime, identify appropriate strategies and programs to maintain school safety and to insure that existing laws related to school safety are effectively enforced. (Education Code 32282)

School sites are required each July to report on status of school safety plan, including description of key elements, in the annual school accountability report card prepared under EC 33126 and 35256. The school site council or school safety planning committee is required to notify, in writing, specified persons and entities about the required public meeting to allow members of the public an opportunity to express an opinion about the school plan. (Education Code 32288)

Each school site in Madera Unified has a School Safety Plan, which includes a comprehensive disaster preparedness plan. Copies are available to read at each school office. As of January 1, 2012, specific response procedures, evacuation plans, etc., are NO LONGER available for public view. Fire drills are held monthly in elementary schools; emergency drills are held monthly throughout the district.



## California Department of Education (Disaster Preparedness Information)

The California Department of Education is required to electronically distribute disaster preparedness educational materials to school district and county offices of education in, at least, the three most dominate primary languages spoken by English Learners in California. When posted, (not yet done) this information will be found at the CEC website.

### Emergency/Disaster

In cases of disaster, please tune in to these radio stations:

KMJ 580 AM (English) KMMM 107.3 FM (Spanish)

Please do not call the school because the phones (if in use) will be needed by those providing emergency relief.

### Hazardous Building Materials and Pesticides

Parents/guardians have a right to be informed regarding management plans for asbestos-containing materials (40 CFR 763.93) and to information regarding use of pesticides (Education Code 17612). This information is contained in each school's Student/Parent Handbook, or you may call the District's Maintenance Department at (559) 675-4534.

### Asbestos Management Plan

An updated management plan for asbestos-containing material in school buildings is available at the District's Maintenance Department (559) 675-4534. (40 C.F.R. § 763.93)

### Backpacks

The State Assembly has resolved that parents/guardians should be aware of possible health risks students take by carrying heavy backpacks. Please take actions necessary to avoid potential injury.

### Megan's Law – Registered Sex Offender Information

Assembly Concurrent Resolution (ACR) 72, Chapter 122, Statutes of 1997, strongly urges school districts to inform parents regarding the availability of information about local registered sex offenders. Parents/guardians can obtain necessary information by contacting local law enforcement agencies such as the Madera Police Department or the Madera County Sheriff's Department.

Information about registered sex offenders in California can also be found on the California Department of Justice's Internet website, <http://meganslaw.ca.gov/>. The website also provides information on how to protect yourself and your family, facts about sex offenders, frequently asked questions, and sex offender registration requirements in California.

## TRANSPORTATION

### Student Walking Limits

Students who reside outside the established radius zones as defined below will have bussing services available to them:

1. Radius zone will be drawn at a distance of 1 mile from the school site for K – 6<sup>th</sup>.
2. Radius zone will be drawn at a distance of 1.5 miles from the school site for 7<sup>th</sup> - 8<sup>th</sup>.
3. Radius zone will be drawn at a distance of 2 miles from the school site for 9<sup>th</sup> - 12<sup>th</sup>.

The radius zone will be measured by drawing a circular radius from a

central location at the school site campus and around the school within the school's attendance boundary.

### Foggy Day Schedule

MUSD Foggy Day Information Phone Line: (559) 673-2288

The following radio stations and television stations are sources to determine whether or not Madera Unified School District is on a foggy day schedule. These stations will broadcast the foggy day conditions periodically throughout the morning hours:

#### Radio Stations

English KMJ 580 AM

#### Television Stations

Channel 24 - KSEE

Channel 30 – KFSN

Channel 47 – KJEO

Fog delays will be called District wide by the superintendent. Parents and students need to look or listen for Madera Unified School District on the T.V. or radio.

### Bus Riding Privileges

Any student who violates the bus rules or does not follow instructions from the driver may have their riding privileges suspended or revoked. Authority to suspend or revoke a student's bus riding privileges shall rest with a site administrator or the Transportation Director. The administrator will notify parents of the students of the suspension and the reasons therefore. All drivers involved will be notified.

When a student is denied bus-riding privileges, this also includes field trips.

Parents/guardians/designated people of Kindergarten students must be at the bus stop to receive the student or the student will be taken back to the school. If this happens more than 3 times during the school year, the student will lose bus riding privileges.

### Video Recording Devices

Some of our school buses may be equipped with audio and video recording devices for the protection of our students and staff.

### General Rules of Behavior at the Bus Stop or Loading and Unloading

1. Always arrive at the bus stop early (at least 5 minutes prior to bus arrival).
2. Stand in an orderly manner.
3. Respect private property. Do not walk on lawns or flowerbeds, or climb on cars and trees.
4. No pushing or shoving.
5. Always face the bus as it approaches.
6. Never run to or from the bus.
7. Listen to instruction from the driver.
8. Wait completely off the road for the bus. Stand at a safe distance from the bus as it pulls up to make its stop, and wait until the bus comes to a complete stop and the driver opens the door before walking towards the bus (recommended distance is 12 feet).
9. Watch your step getting on and off the bus, especially in wet weather. Always use the handrail.
10. The bus driver is in complete charge of the bus and seats will be assigned as directed by the Director of Transportation.

### **While Riding the Bus**

1. Pupils should enter the bus in an orderly manner and should not bring aboard items of injurious or objectionable nature (animals, glass, balloons, weapons etc.).
2. Do not get out of your seat while the bus is in motion.
3. Remain seated until the bus stops and the driver opens the doors before exiting.
4. Keep hands, head, arms, etc. inside the bus at all times.
5. No screaming, yelling, or use of profanity on the bus.
6. No harassing or fighting on the bus.
7. Be courteous to fellow students.
8. No smoking on the bus.
9. Students are not allowed to make offensive remarks or gestures to pedestrians or motorists.
10. The aisle of the bus shall be kept clear of books, lunches, feet, etc.
11. Permission to leave or board the bus at other than the normal stops shall be cleared with the Principal or the school office in advance and written permission presented to the driver on a school bus pass.
12. The request must not require the bus to go off its route or require an additional stop.
13. Space must be available on the bus.
14. No objects will be thrown in or out of the bus.
15. You may not refuse to share a seat with another student.
16. Remain in your seat and be quiet at railroad grade crossings.

### **Red Light Crossing Instruction**

#### **For children who must cross the street at the bus stop.**

1. In the morning, students are to gather at their assigned bus stop and wait for the bus to arrive.
2. Driver will shut bus off, activate red lights and walk to the center of the roadway to cross children, if required.
3. Children are to remain still until the driver tells them it is safe to cross.
4. Students must cross between the driver and the bus.
5. The driver will be the last person to get on the bus.
6. Drivers doing red light crossing are in control of the street or roadway upon which they are on! Cross traffic or traffic on the other streets that a student must cross to get to or from a bus stop cannot be controlled by the bus driver.
7. Grades 9 -12 will not receive a driver escort unless pre-kindergarten through 8<sup>th</sup>-grade students require an escort. Then all students will receive a driver escort.

### **Afternoon Drop Offs**

#### **For children who must cross the street that bus stop is on:**

1. Children are to remain seated until the bus comes to a complete stop.
2. Driver will shut bus off, activate red flashing lights and open the door. Driver will be the first person off the bus.
3. The children will wait inside the bus until the driver signals them when it is safe to exit the bus.
4. The children must walk in front of the bus between the driver and the bus in an orderly manner.

### **School Bus Danger Zone**

Any place around a school bus can be dangerous. It is safe to assume that if you cannot see the driver, the driver cannot see you. Never play around a school bus. Do not run in front of or hide behind a school bus. Never crawl under a school bus.

### **Contact Information**

Katie White  
Director of Transportation  
1200 Gill Ave Madera, CA 93637  
Phone: (559) 673-2288  
Fax: (559) 673-5845

# Fees, Charges, Donations and Fundraising Guidance

## Introduction

The Madera Unified School District's *Fees, Charges, Donations and Fundraising Guidance Manual* sets forth information, general guidelines and procedures regarding permissible and impermissible fees and charges, donation practices, and fundraising. This guidance is provided by the District under Board Policy and Administrative Regulation 3260 for purposes of ensuring compliance with California law regarding the imposition of fees and charges, solicitation of donations, and fundraising by California public schools.

The District's intent is to ensure our families and the Madera community understands how they can best support the programs in which their children participate. Clear communication from all District sources as they pertain to fees, donations and fundraising is essential. Any written communication on this subject must be approved by your school site principal prior to distribution.

If you have any questions regarding student fees, charges, deposits, donations, or fundraising, or any other issues related to that covered in this manual, please contact your school site principal or the District's Associate Superintendent of Educational Services.

## Legal Overview

### A. The Constitutional Free School Guarantee and *Hartzell v. Connell*.

The California Supreme Court has held that the free school guarantee under the California Constitution prohibits charging students any fee, charge or deposit for curricular, extracurricular, credit, or non-credit activities that are part of the District's or a school site's educational program. (Cal. Const., art. IX, § 5; *Hartzell v. Connell* (1984) 35 Cal.3d 899, 905, 911.)

In *Hartzell*, the California Supreme Court considered for the first time the issue of the free school guarantee in the context of whether a school district could charge students fees for participating in educational activities that the district considered extracurricular. There, the district adopted a plan to maintain its athletic and band programs by charging a fee for each student who wanted to participate in those extracurricular activities. The district also had a policy for financial hardship waivers for those students who could not afford the fees. The Court invalidated the district's student fee structure, concluding that, "the free school guarantee extends to all activities which constitute an 'integral fundamental part of the elementary and secondary education' or which amount to 'necessary elements of any school's activity.'" The Court reasoned that extracurricular offerings, such as sports and band fall within the Constitutional free school guarantee as part of a school district's educational program and offerings, and that a hardship waiver process does save the illegality of fees and charges for such educational offerings.

### B. Title 5, section 350, of the California Code of Regulations.

In addition to the Constitutional bar to the charging of fees to students, the California Code of Regulations, title 5, section 350 ("title 5, section 350"), entitled "Fees Not Permitted," directs: "A pupil enrolled in a school shall not be required to pay any fee, deposit, or other charge not specifically authorized by law." This provision is read to allow for the imposition of a fee or charge to a student *only when* it is statutorily authorized. There are a number of such statutory authorizations in the Education Code addressed in this manual.

### C. Voluntary Donations and Fundraising.

In terms of *voluntary donations* to support District programs, by their very definition such contributions are not mandatory fees, charges or deposits, and therefore do not offend the Constitutional free school guarantee or title 5, section 350. Further the Education Code clearly envisions that voluntary donations to support the District and its programs are lawful:

- **Education Code section 41032, subdivision (a):** "The governing board of any school district may accept on behalf of, and in the name of, the district, gifts, donations, bequests, and devises that are made to the district or to or for the benefit of any school or college administered by the district."
- **Education Code section 41037:** "The governing board shall adopt rules and regulations to effectuate the purposes of this article, not inconsistent with law."
- **Education Code section 51520:** Covering solicitation of contributions and donations from students; and
- **Education Code 51521:** Covering solicitation of contributions and donations in support of District.

The ability to accept and the statutory authority for accepting voluntary donations from students and their families have been reaffirmed by the California Attorney General. (See 81 Ops. Cal. Atty. Gen. 153 (1998).) Consistent with this authority, the District's Board Policies 1321 and 3290 account for the propriety and viability of solicitation and receipt of voluntary donations.

As, and fundraising by students and their families to support District and school site programs, so long as monetary donations, contributions, and fundraising activities *are not made mandatory* for students and their families and there are no conditions placed upon the donation.

### D. Charges for Recreational, Non-educational Activities.

Charges by private businesses to students for services that are not integral parts of the District or a school site's educational program are permissible, even if facilitated by the District or school site (e.g., school pictures or sports pictures). Additionally, the District and its programs may impose a charge for offerings that are not integral to the District's educational program (e.g., for spectators travel to athletic events, entry fees for school dances, or recreational trips unrelated to the school curriculum such as to amusement parks).

## General Fees, Charges, Donations and Fundraising Guidance Chart

The following chart is intended to the Madera Unified School District community regarding understanding the laws regarding permissible and impermissible student fees.

### A. General Rules.

Rule	Authority
The free school guarantee under the California Constitution prohibits charging students any fee, charge or deposit for curricular, extracurricular, credit, or non-credit activities that are part of the District's or a school sites' educational program.	California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350
Fees and charges are permissible where specifically provided for by the Education Code.	Cal. Code Regs., tit. 5, § 350
Voluntary donations, contributions, and fundraising by students and their families to support District and school site programs are always permissible, so long as donations, contributions, and fundraising activities are not made mandatory for students and their families.	Education Code, §§ 41032, 41037 Education Code, § 35160 et seq. Education Code, §§ 51520, 51521 81 Ops. Cal. Atty. Gen. 153 (1998)
Charges by private businesses to students for services that are not integral parts of the District or school site's educational program are permissible, even if facilitated by the District or school site (e.g., school pictures or sports pictures).	California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899

### B. Permissible Student Fees and Charges.

Permissible Charge	Authority
Fabrication-Purchase Fees	Education Code § 17551 (Students may be charged a fabrication purchase fee for the direct costs in purchasing a project/property fabricated in a class such as a bookcase in woodshop. The charge is limited to the direct costs for the project. Absent purchase of the project for its direct costs, the school site may keep the project as its own personal property. Distinct from a fabrication/purchase fee for direct costs, up front general fees for supplies are <i>not</i> permissible.)
Charge for damaged school property or failure to return school property on loan to student	Education Code § 48904, subd. (b)(1) ("Any school district . . . whose real or personal property has been <i>willfully cut, defaced, or otherwise injured, or whose property is loaned to a pupil and willfully not returned upon demand of an employee of the district</i> . . . authorized to make the demand may, after affording the pupil his or her due process rights, <i>withhold the grades, diploma, and transcripts of the pupil responsible for the damage</i> until the pupil or the pupil's parent or guardian has paid for the damages thereto, as provided in subdivision (a).").
Field Trip Fees (Such fees can include transportation costs, as well as the costs of admission or entry fees associated with the field trip, so long as students are still allowed to attend the field trip even if unable to pay the relevant fees)	Education Code § 35330 (Although the Education Code allows for the charge of a fee for the direct transportation costs for field trips, <i>students cannot be denied the opportunity to participate in the field trip for failure to pay the fee.</i> )
Transportation Fees for transporting students to and from their places of employment during the summer in connection with any summer employment program for youth	Education Code, § 39837 ("The governing board of any school district may use and operate any bus owned or under lease to the district for the transportation of pupils to and from their places of employment during the summer in connection with any summer employment program for youth. The governing board shall require the payment of a reasonable charge for transportation so furnished . . .").
Parking Fees	Consistent with the ruling in Arcadia Unified School District v. State Dept. of Ed. (1992) 2 Cal.4th 251, and transportation fees under Education Code section 38907.5, Vehicle Code section 21113 gives the District authority to limit and impose conditions on parking on school grounds, and parking on school grounds is not an educational activity. Therefore, high schools may impose a reasonable parking fee.
Insurance for Athletic Team Members	Education Code, § 32221 (If a member of the team is financially unable to pay the cost of insurance, the district must cover the cost).

Insurance for Medical or Hospital Service for students participating in excursions and field trips	Education Code, §§ 35330, subd. (b)(1), 35331 (No student may be prevented from making the excursion or field trip because of lack of sufficient funds).
Student Fingerprinting Program	Education Code, § 32390 (The fee shall be calculated to reimburse the district only for the actual costs of the fingerprinting program).
Deposits for school band instruments, music, uniforms, and other regalia <i>that the band members take with them on excursions to foreign countries</i>	Education Code, § 38120 (As described below in Impermissible Fees, such a fee or deposit is not permitted for band instruments, music, uniforms, and other regalia when not for the specific use on excursions to foreign countries).
Fees for Community Service Classes	Education Code, § 51815 (The fees may not exceed the cost of maintaining such classes).
Eye Safety Devices	Education Code, § 32033 (“eye protective devices may be sold to the pupils and teachers . . . at a price that shall not exceed the actual cost of the eye protective devices to the school or governing board.”).
Copies of Public Records	Gov. Code, § 6253 (The charge is limited to the direct costs of duplication).
School Curriculum Prospectus	Education Code, § 49091.14 (“When requested, the prospectus shall be reproduced and made available. School officials may charge for the prospectus at an amount not to exceed the cost of duplication.”).
Caps and Gowns	Education Code, § 38119
Food Sold at School	Education Code, § 38084 (This is limited by and subject to free and reduced price meal program eligibility and other restrictions specified in law).
Tuition for students whose parents are actual and legal residents of any adjacent state or adjacent foreign country	Education Code, §§ 48050, 48052, 52613 8 U.S.C. § 1184
Childcare and Development Services	Education Code, § 8263, subd. (g)(1)
Yearbooks	The sale of yearbooks is a fundraising activity, and possession of a yearbook is not an integral part of the educational process.
Adult Education Classes, Books, and Materials, as specified in law	Education Code, §§ 52612, 60410 (There exist limitations to such fees and charges under Education Code section 52612, which are discussed below under Impermissible Fees.)
Certain Adult Education Instruction for Nonimmigrant Aliens	Education Code, § 52613 (If the District offers “classes for adults that issue a Certificate of Eligibility for Nonimmigrant (F-1) Student Status - For Academic and Language Students, Form I-20AB, or completes Form I-20AB for a nonimmigrant alien, for the purposes of enrolling the nonimmigrant alien in a class in English and citizenship for foreigners or a class in an elementary subject, shall charge the nonimmigrant alien a fee to cover the full costs of instruction, but in no case shall the fee exceed the actual cost of the instruction . . .”)
Physical Education Uniforms	Education Code, § 49066 CDE Fiscal Management Advisory 97-02 (“CDE Fiscal Advisory”) (The design and color must be of a type sold for general wear outside school, and the student’s grade may not be adversely affected due to the fact that the student does not wear the uniform, where the failure to wear the uniform arises from circumstances beyond the student’s control).

**C. Impermissible Fees and Charges.**

<b>Impermissible Charge</b>	<b>Authority/Explanation</b>
Instructional Materials	Education Code § 60070 (“No school official shall require any pupil . . . to purchase any instructional material for the pupil’s use in the school.”).
Necessary School Supplies	Education Code § 38118 (“Writing and drawing paper, pens, inks . . . crayons, lead pencils, and other necessary supplies for the use of the schools, <i>shall be furnished</i> under direction of the governing boards of the school districts.”).

Band instruments, band and choir uniforms	Education Code § 38111 (There is an exception to this rule discussed above in Permissible Fees for purposes of excursions to foreign countries.)
Participation in any District or school site athletic or other extracurricular offering such as band, choir, or drama	California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350
Student body membership fees as a condition for enrollment or participation in curricular or extracurricular activities sponsored by the school	Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 CDE Fiscal Advisory
Any class or course of instruction, including summer or vacation school, examination fees, late registration or program change fees, a fee for a diploma or certificate, or a lodging fee	Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 CDE Fiscal Advisory
CAHSEE Intensive Instruction and Services	California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 Education Code, § 37254 (The bar to fees or charges for this purpose applies whether the District provides such instruction or services through its secondary or adult education programs.)
Tests, passage of which will result in high school credits, even if the class and course work proceeding test are provided for free	California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 CDE Fiscal Advisory
Adults taking classes for high school credit, and who have not obtained a high school diploma	Education Code, § 52612 (“No fee charge shall be made for a class designated by the governing board as a class for which high school credit is granted when the class is taken by a person who does not hold a high school diploma ...”) (This includes adults returning to school after dropping out if they have not obtained a high school diploma and are taking the class for high school credit.)
Adult education classes in English and citizenship for foreigners or a class in an elementary subject	Education Code, § 52612 (There is a small exception to this limitation under Education Code section 52613, which is discussed above under Permissible Fees).
<i>* Unless specifically authorized and stated in by the Legislature, the grant of flexibility in the use and spending of categorical funding, for example for adult education, does not affect the free school guarantee requirements and bar to non-statutory student fees and charges described herein.</i>	California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350

# 2016/2017 Madera Unified School District – School Site Listing

## Elementary Schools

**John Adams (K-6)**  
1822 National Ave  
674-4631 674-3867(fax)  
Melissa Murray, Principal  
Kevin Gregor, V.P.

**Alpha (K-6)**  
900 Stadium Road  
661-4101 673-0931(fax)  
Tom Chagoya, Principal  
Erin Falke, V.P.

**Berenda (K-6)**  
26820 Club Drive  
674-3325 664-9716(fax)  
Carsten Christiansen, Principal  
Michelle Watson, V.P.

**Cesar Chavez (K-6)**  
2600 E. Pecan Ave  
664-9701 664-9716(fax)  
Stephanie McPherson, Principal  
Danny Tovar, V.P.

**Dixieland (K-8)**  
18440 Road 19  
673-9119 673-8232(fax)  
Ana Carrillo, Principal

**Eastin-Arcola High (K-8)**  
29551 Ave 8  
674-8841 674-2566(fax)  
Danene Guglielmana, Principal

**George Washington (K-6)**  
509 E South Street  
674-6705 674-7386(fax)  
Adalberto Hernandez, Principal  
Denise Munoz, V.P.

**Howard (K-8)**  
13878 Road 21 ½  
674-8579 674-1503(fax)  
TBD, Principal  
Michelle Angus, V.P.

**James Madison (K-6)**  
109 Stadium Road  
675-4630 661-8397(fax)  
Mercedes Ochoa, Principal  
Frank Espinoza, V.P.

**La Vina (K-8)**  
8594 Road 23  
673-5194 673-9091(fax)  
Jesus Navarro, Principal

**Lincoln (K-6)**  
650 Liberty Lane  
675-4600 674-3061(fax)  
Linda Monreal, Principal  
Nicole Guerriero, V.P.

**Millview (K-6)**  
1609 Clinton Street  
674-8509 674-9683(fax)  
Rosalinda Galvez, Principal  
Eric Lowry, V.P.

**Nishimoto (K-6)**  
26460 Martin Street  
664-8110 664-8343(fax)  
Isabel Guzman, Principal  
Rae Ann Priestler, V.P.

**Parkwood (K-6)**  
1150 E Pecan Ave  
673-4500 673-9822(fax)  
Omar Jeronimo, Principal  
Suzanne Grady, V.P.

**Pershing (K-6)**  
1505 E Ellis Street  
664-9741 664-9756 (fax)  
Andrew Beakes, Principal  
Erin Stanley, V.P.

**Sierra Vista (K-6)**  
917 E. Olive Ave  
674-8579 674-1503 (fax)  
Kathleen Nekumanesh, Principal  
Saul Gallegos, V.P.

**James Monroe (K-6)**  
1819 North Lake Street  
674-5679 674-3008 (fax)  
Kimberly Bitter, Principal  
Leonard Perez, V.P.

## Junior High Schools

**Jack G. Desmond (7-8)**  
26490 Martin Street  
664-1775 664-1308(fax)  
Prince Marshall, Principal  
Madeline Smith, V.P.  
TBD, V.P.

**Martin Luther King Jr. (7-8)**  
601 Lilly Street  
674-4681 674-4261(fax)  
Sabrina Rodriguez, Principal  
Aurora Guzman, V.P.  
Noel Jimenez, V.P.

**Thomas Jefferson (7-8)**  
1407 Sunset Ave  
673-9286 673-6930(fax)  
Jesse Carrasco, Principal  
Justin Lingar, V.P.  
Bert Puente, V.P.

## High Schools, Continuation & Community Day Schools

**Madera High (9-12)**  
200 South L Street  
675-4444 675-4531(fax)  
Alan Hollman, Principal  
Manuel Aquino, V.P.  
Regina Carr, V.P.  
Sarah Murrieta, V.P.  
Moises Perez, V.P. – Engineering  
Virginia Pierce, V.P. – Curriculum & Instruction

**Madera South High (9-12)**  
705 W Pecan Ave  
675-4455 675-9985(fax)  
Oracio Rodriguez, Principal  
Matthew Toews, V.P.  
Ericka Moran, V.P.  
Brad Holck, V.P.  
Carry Gassett, V.P.  
TBD, V.P.  
Adam Caudell, V.P. – Curriculum & Instruction  
Robyn Cosgrove, V.P. – Curriculum & Instruction

**Furman High (9-12)**  
955 W Pecan Ave  
675-4482 673-8611(fax)  
David Raygosa, Principal  
Hilda Castrellon, V.P.

**Madera Adult Education**  
955 W Pecan Ave  
675-4425 675-4562(fax)  
David Raygosa, Principal  
Hilda Castrellon, V.P.

**Mt. Vista Continuation**  
1901 Clinton St  
675-4491 675-3655 (fax)  
Aimee Anderson, Principal

**Ripperdan Community Day**  
26133 Ave 7  
674-0059 674-7422 (fax)  
Fermin Guzman, Principal  
Helen Vannucchi, V.P.

## Pre – School Department

1861 Howard Road, Suite 1  
675-4490 675-3655(fax)  
Jessica Phengsiri,  
Child Development Coordinator

**MADERA UNIFIED SCHOOL DISTRICT**

**COMMUNITY RELATIONS UNIFORM COMPLAINT FORM**

California Code of Regulations, Title 5, Sections 4600-4671  
Board Policy BP 1312.3 and 1312.4

**FOR DISTRICT USE ONLY**

**Date/Time Received:** \_\_\_\_\_ **Log No:** \_\_\_\_\_

A complaint involves an alleged violation of federal or state statutes in one of the following areas: (1) Unlawful Discrimination, Harassment, Intimidation or Bullying (2) Adult Basic Education, (3) Consolidated Categorical Programs, (4) Migrant Education, (5) Vocational Education, (6) Child Care and Development Programs, (7) Child Nutrition Programs, (8) Special Education Programs, and (9) School Federal Safety Planning Requirements.

All complaints will be processed in accordance with the provisions of California Code of Regulations, Title 5, Sections 4600-4671. If your complaint does not constitute a violation of said Code, you will be so notified and advised of the proper procedure to process your complaint

**Name:** \_\_\_\_\_ **Home Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Work/Cell Phone:** \_\_\_\_\_

\_\_\_\_\_

**Student:** \_\_\_\_\_ **ID Number:** \_\_\_\_\_

**School:** \_\_\_\_\_ **Grade:** \_\_\_\_\_

**Relationship:** \_\_\_\_\_

**Please place a check next to the kind of complaint you are presenting:**

**Unlawful Discrimination Complaint (indicate type)**

☐ Age ☐ Sex ☐ Sexual Orientation ☐ Gender ☐ Ethnic Group Identification ☐ Race ☐ Ancestry  
☐ National Origin ☐ Religion ☐ Color ☐ Mental or Physical Disability ☐ Deficiencies in Instructional Materials  
☐ Teacher Vacancy/Misassignment ☐ Condition of Facility ☐ Harassment, Intimidation or Bullying

**AND/OR**

**Program:**

☐ Adult Education ☐ Categorical Aid Programs ☐ Child Care and Development Programs  
☐ Migrant Education ☐ Child Nutrition Programs ☐ Vocational Programs ☐ Special Education  
☐ School Federal Safety Planning Requirements ☐ Pupil Fees

Please specify all relevant facts, etc. (additional pages may be attached)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please address all of your correspondence to:

**Office of the Chief Academic Officers  
Madera Unified School District  
1902 Howard Road  
Madera, CA 93637**



## ACCEPTABLE USE AGREEMENT (AUA)

The Internet and other on-line resources are provided by the district to support the instructional program and to further teaching and learning. The use of the Internet must be to support educational and research in accordance with the educational objectives of Madera Unified School District. This Acceptable Use Agreement is an extension of district policies already in place, which govern student and employee expectations and behavior. Please access the full policy, found on the MUSD website, for a complete description of acceptable use of the MUSD Internet and Electronic Information Resources. The responsibilities of the users include, but are not limited to, the following:

### **A Responsible User MUST:**

- Be aware that the use of the Internet is a privilege, not a right.
- Be aware that inappropriate use may result in loss of privilege.
- Use the Internet for educational purposes.
- Use the Internet in support of the educational objectives of the district.
- Preserve the physical safety and emotional integrity of others.
- Protect one's own and others' reputation and the right to privacy.
- Use appropriate language.
- Notify a teacher or administrator of any security problem.
- Use Internet etiquette when sending electronic mail (email).
- Be aware that email should not be considered private.
- Keep personal account numbers and passwords private and only use the account to which she/he has been assigned.
- Report any inappropriate/questionable email contacts, access to inappropriate web sites, misuse of the systems, or any security problem to a teacher or an administrator.

### **A Responsible User MUST NOT:**

- Use the Internet for any illegal purpose, including the violation of copyright or other laws.
- Violate the rules of common sense or etiquette.
- Transmit or access any material in violation of Board Policy or any federal or state regulation.
- Use the system to threaten, intimidate, harass, ridicule or otherwise cyberbully other students or staff.
- Access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, pornographic or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.
- Use the system to encourage the use of drugs, alcohol, or tobacco, nor shall they promote unethical practices or any activity prohibited by law, Board Policy, or Administrative Regulations.
- Use vulgar or other inappropriate language.
- Disclose, use, or disseminate personal identification information about themselves or others including but not limited to personal addresses, phone numbers or other personal information when using email, or other forms of electronic communication; or disclose such information by other means to individuals contacted through the Internet without the permission of their parents/guardians.
- Attempt to harm or destroy district equipment or system performance.
- Attempt to harm or destroy another person's data or manipulate the data of any other user.
- Knowingly attempt to upload or create computer viruses or other malicious software.
- Attempt to gain access to unauthorized resources or entities.
- Share passwords or use an account assigned to another user with or without his or her permission.
- Attempt to bypass security measures whether or not this action causes additional harm.
- Attempt to interfere with other users' ability to send or receive email; or attempt to read, delete, copy, modify another's files; or use another individual's identity.
- Use the system to engage in commercial or other for-profit activities.
- Perform activities that interfere with the ability of students/staff members to use the district's technology resources or other network-connected services effectively.

Violation of this Acceptable Use Agreement may result in loss of privileges, disciplinary action including suspension or expulsion, and could result in criminal prosecution.

### **Monitoring**

The Madera Unified School District reserves the right to monitor any material placed on the computer and to monitor file server space in order to make determination on whether specific uses of the Internet/network are inappropriate. These regulations shall establish the fact that users have no expectation of privacy and that district staff may monitor or examine all system activities to ensure proper use of the system. It is expected that users will employ Internet etiquette and common sense. The district reserves the right to terminate the account of any user who misuses the account. (Cf. Penal Code 632 – Eavesdropping on or recording confidential communications)

## Internet Filtering

Madera Unified School District provides an Internet filter to protect its students and employees. Even though the district has taken all responsible actions to insure that Internet use is only for purposes consistent with the school curriculum, it is impossible to guarantee that all sites are filtered and blocked for appropriateness. The district cannot prevent access to, nor identify, all areas of inappropriate materials on the Internet making it necessary for students to be supervised at all times while using online services. The Madera Unified School District makes no guaranties of any kind, whether express or implied, for the service it is providing. The Madera Unified School District will not be responsible for any damages a user incurs. Use of any information obtained via the Internet is at the user's own risk. The Madera Unified School District denies any responsibility for the accuracy or quality of information they obtain, and evaluate how valid that information may be. (Cf. CIPA compliance) (Children's Internet Protection Act), Library Access Law

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### **Madera Unified School District Acceptable Use Agreement and Permission to Publish Image/Work/Name**

As a user of a Madera Unified School District computer network and Internet, I hereby agree to comply with the MUSD *Acceptable Use of Internet and Electronic Information Resources*. I have read the Acceptable Use Agreement and I understand that network and Internet access is designed for education purposes. I agree to use the network responsibly and will abide by the Acceptable Use Policy. Should I commit any violations, my access privileges may be revoked, disciplinary action including suspension or expulsion, and appropriate legal action will be taken.

User's Name (Please Print) \_\_\_\_\_

User's Signature \_\_\_\_\_ Date \_\_\_\_\_

If the above named individual is a student, the following shall be acknowledged and signed by the parent or legal guardian of the student signing above. I grant permission for this student to access networked computer services including the Internet and email. I understand that individuals and families may be responsible for violations. I have read and understand this Acceptable Use Agreement and understand that this access is designed for education purposes. I also understand that some material on the Internet may be objectionable, but I accept responsibility to help assist in setting and conveying standards for this student.

I agree not to

hold the district or any district staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. I also agree to indemnify and hold harmless the district and district personnel for any damages or costs incurred accruing from student misuse of the internet and electronic information resources.

I consent for my student's school work, image and/or first name to be released for use on the school website for Madera Unified School District website. By signing this agreement, I hereby waive any proprietary rights to this material and authorize any subsequent use thereof, including its release and showing to the general public electronically, in newspaper, on television, in clinical training or by any other means selected by Madera Unified School District or its agents for publicity, educational, or promotional purposes. Permission will remain in full force and effect unless revoked in writing.

Parent/Guardian Name (please print) \_\_\_\_\_

Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

If the user is an employee:

I consent for my work, image and/or first and last name be published on school website or Madera Unified School District website. By signing this agreement, I hereby waive any proprietary rights to this material and authorize any subsequent use therefore, including its release and showing to the general public electronically, in newspaper, on television, in clinical training or by any other means selected by Madera Unified School District or its agents for publicity, educational, or promotional purposes. Permission will remain in full force and effect unless revoked in writing.

Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

Received by: \_\_\_\_\_

MADERA UNIFIED SCHOOL DISTRICT  
Open Enrollment Transfer Application  
2017 - 2018 School Year

PRIT # \_\_\_\_\_

Date: \_\_\_\_\_

LRTY # \_\_\_\_\_

Open Enrollment permits must be completed for each child for whom an open-enrollment transfer request is made. Applications to attend your school of choice must be submitted between March 1, 2017 thru April 28, 2017 for the 2017-2018 school year.

This application must be submitted to the SCHOOL THE PUPIL WISHES TO ATTEND. For incoming kindergarteners please be certain you have registered your child at his/her school of residence. If you have questions about which is your SCHOOL OF RESIDENCE, please call the Facilities Planning Department at 675-4548 or you may utilize the School Site Locator at [madera.k12.ca.us](http://madera.k12.ca.us).

**Please Print Clearly**

Student ID # \_\_\_\_\_

Student's Name: \_\_\_\_\_ Date Of Birth: \_\_\_\_\_

Parent(s)/Guardian(s)' Name(s): \_\_\_\_\_ Phone Number: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Student's Grade for 2016-17 School Year: \_\_\_\_\_ Student's Current School: \_\_\_\_\_

School of Desired Attendance: \_\_\_\_\_ School Year of Transfer: 2016-2017

School of Residence (In what school's boundary does the student reside?) \_\_\_\_\_

Student's Special Education Program Needs (If Any, Describe): \_\_\_\_\_

Mark Reason(s) for Transfer Request (Check as Appropriate):

(1) \_\_\_\_\_ Special circumstances exist which make it harmful or dangerous for the referenced student to attend school in the current attendance area. Attach one of the following: (a) A written statement from a representative of an appropriate state or local agency, including, but not limited to, a law enforcement official, social worker, or properly licensed or registered professional psychiatrist, psychologist, marriage, family and child counselor; or (b) A court order, including a temporary restraining order and injunction issued by a judge. Also, attach a written statement by the principal or vice principal of the school of current attendance verifying that you have notified the school regarding the alleged harmful or dangerous conditions at the school. The District reserves the right to evaluate the legitimacy of any claims made under this enrollment priority.

(2) \_\_\_\_\_ The student's initial enrollment was at either Madera High School or Madera South High School, but the student has moved within the District and would like to continue attending their initial school of enrollment pursuant to the "Secondary Continuity" Policy.

School Use Only – Verified: Yes No Initials \_\_\_\_\_

(3) \_\_\_\_\_ A sibling of the student for whom the request is being filed has already been approved to attend the desired school during the school year of desired attendance (High School Students Only).

School Use Only – Verified: Yes No Initials \_\_\_\_\_

Name of sibling: \_\_\_\_\_

(4) \_\_\_\_\_ The student is currently enrolled and attending the desired school pursuant to a previously approved "Open-Enrollment Transfer Applications."

School Use Only – Verified: Yes No Initials \_\_\_\_\_

(5) \_\_\_\_\_ The student is currently enrolled and attending the desired school pursuant to a previously approved "Intra-District Transfer Attendance Request."

School Use Only – Verified: Yes No Initials \_\_\_\_\_

(6) \_\_\_\_\_ The student is currently enrolled and attending the desired school, because the District has so placed the student due to crowded conditions at the ordinary school of attendance.

School Use Only – Verified: Yes No Initials \_\_\_\_\_

(7) \_\_\_\_\_ The student has been in attendance at the desired school of attendance during the year prior to the school year of proposed transfer, but will be required to attend another school pursuant to a boundary change.

School Use Only – Verified: Yes No Initials \_\_\_\_\_

(8) \_\_\_\_\_ The student has been in attendance at the desired school of attendance during the year prior to the school year of proposed transfer, but was enrolled at the school of choice through unintentional error and without deceit.

School Use Only – Verified: Yes No Initials \_\_\_\_\_

(9) \_\_\_\_\_ The student has a sibling that previously attended the desired school on an "Open Enrollment" or "Intra-District Transfer".

Name of Sibling: \_\_\_\_\_

School Use Only – Verified: Yes No Initials \_\_\_\_

(10)\_\_\_\_ Other (Please Describe-Attach additional sheet if necessary)\_\_\_\_\_

**WITH MY SIGNATURE BELOW, I SIGNIFY THAT I UNDERSTAND AND AGREE WITH ALL OF THE FOLLOWING STATEMENTS:**

If I do not supply all requested information, or, if I submit inaccurate information, the transfer request will be denied or revoked.

Students must normally attend the school serving the attendance area in which they live. Under “Open Enrollment” parents/guardians may request that their child be allowed to attend their school of choice within the District.

Open-enrollment permits cannot be granted if approval would result in excessive enrollment at the school of choice, or, if approval would result in displacement of students residing within the designated attendance area. Board Policy 5116.1 (Education Code 35160.5)

Nor may requests be granted, if approval would result in inappropriate racial or ethnic imbalance at either the school of choice or residence.

If the number of requests to attend a particular school exceeds the capacity of that school, selection of pupils for approval to enroll will be made through a random, unbiased process that cannot be based upon the student’s academic or athletic performance. The District has the right to base approval of requests on specific priorities. These are recited above in the checklist “Reason(s) for Transfer Request,” in priority order.

Approval of open-enrollment requests does not grant permanent status at the school of choice. Transfers are valid for only one school year; and open enrollment transfers may be rescinded if space is no longer available for students who reside in the attendance area. Open-enrollment permits may also be revoked at any time for any of the following reasons:

1. The student has committed a violation of Education Code section 48900 which would be cause for suspension or expulsion from the District.
2. The student demonstrates chronic attendance problems. As used here, a student exhibits “chronic attendance” problems whenever she/he meets the criteria for being “truant” pursuant to Education Code section 48260.
3. The student has violated a school rule or regulation which the Principal or designee determines is sufficiently serious so as to justify revocation.
4. The Principal or designee determines that the educational interests of the student would be best served by revocation of the intra-district attendance permit.

**The parent is responsible for providing daily transportation to and from the school of choice. No bus transportation/special arrangements will be available for students on an Open Enrollment Transfer.**

\_\_\_\_\_  
Signature, Parent(s) / Guardian(s)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

The Student Services Department will process this application in accordance with Board Policy and Administrative Regulation 5116.1 within 30 days of the application deadline (by the end of May); notifications will be mailed out as soon as possible thereafter. The notice will inform the applicant that the request has been approved or denied. If the application is denied, the pupil’s name will be placed on a waiting list and the applicant will be informed of the pupil’s ranking on the wait list.

The Open Enrollment waiting list will **no longer be in effect** after October 1<sup>st</sup> of the school year requested.

APPROVAL OF THIS PERMIT WILL BE BASED ON THE AVAILABILITY OF SPACE AT THE SCHOOL OF DESIRED ATTENDANCE. APPROVALS ARE NEITHER AUTOMATIC NOR GUARANTEED. You are reminded to enroll your child at your normal school of residence, in order to insure a place for your child.

**Transfer Eligibility for Interscholastic Athletic Program**

If a 7-12<sup>th</sup> grade student exercises an option of attending a school other than the school to which they are assigned on the basis of board-established school attendance areas, and does so pursuant to a Board authorized mode of legitimate transfer including an “open enrollment” or “intra-district transfer” the student will be ineligible for interscholastic athletic competition for one year (365 days) from the date of first attendance at the student’s new school, pursuant to *Board Policy 5116*.

**Madera Unified School District  
INTERDISTRICT ATTENDANCE PERMIT**

Please return to:  
Director of Student Services  
Madera Unified School District  
1902 Howard Rd , Madera, CA 93637  
(559) 675-4500 Ext. 237  
FAX (559) 675-8013

Date \_\_\_\_\_

Madera County (E.C. 46000 et seq.)

New ☐ Renewal ☐

School Year \_\_\_\_\_

**REQUEST**

**Parents/Guardians:**

Name \_\_\_\_\_ Work Phone ( ) \_\_\_\_\_

Name \_\_\_\_\_ Work Phone ( ) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ CA Zip Code \_\_\_\_\_ Home Phone ( ) \_\_\_\_\_

**Pupil Information:**

Name (Last) (First)	Date of Birth	Grade

I request that my child(ren) be allowed to attend classes at \_\_\_\_\_ School in the  
\_\_\_\_\_ School District through the \_\_\_\_\_ school year.

\_\_\_\_\_  
Parent/Guardian Signature

**Reasons for requesting Interdistrict Attendance Permit:**

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**(May attach additional pages)**

**AGREEMENT**

The Governing Board of the School District indicated below hereby agree to permit the attendance of the pupils as requested for the school year 20\_\_\_\_ - 20\_\_\_\_, subject to the following terms:

- (a) INTERDISTRICT ATTENDANCE PERMIT MUST BE RENEWED ANNUALLY.  
(b) This permit may be revoked for poor attendance, improper conduct, unacceptable grades, and approval is subject to space available.

<b>Approved/Denied - - MUSD School Administrator _____ Date _____</b>	
<b><u>DISTRICT OF RESIDENCE</u></b> __ Approved __ Denied* ____ 20 ____ ____ School District By _____ Authorized Signature _____ Title	<b><u>DISTRICT OF ATTENDANCE</u></b> __ Approved __ Denied* ____ 20 ____ ____ School District By _____ Authorized Signature _____ Title

MUSD /Form 24a (03/04)



# Madera Unified School District

## VERIFICATION OF RESIDENCY POLICY

To Verify your Residency:

( A )	( B )
<p><b>If you own or rent you must provide <u>two</u> documents:</b></p> <p style="text-align: center;">* * *</p> <p><b>1) An original PG&amp;E <u>or</u> water bill.</b></p> <p>The name on the bill must match the name on the below document(s).</p> <p><b>2) Either a home ownership or rental document.</b></p> <p>The homeowner/renter may provide any of the following acceptable documents to prove residency:</p> <ul style="list-style-type: none"> <li>• Title or Deed</li> <li>• Mortgage statement</li> <li>• Property tax statement</li> <li>• Rental receipt *</li> </ul> <p><i>* Rent receipt must be current and must include landlord's name, address, and telephone number. Rent receipt must have parent(s) or guardian(s) names.</i></p>	<p><b>If you live in a home not in your name, with a family member or someone other than a family member, you must complete the following steps:</b></p> <p style="text-align: center;">* * *</p> <p><b>1) Complete a Declaration of Residency form.</b></p> <p>This form is available at your child's school of residence. It must be completed by the property owner which is knowingly signing under penalty of perjury. Property owner may be required to submit proof of ownership.*</p> <p><b>2) Parents/guardians must provide mail they have received at the address they are living.</b></p> <p>Mail must come from a business and must be current. Personal letters will not be accepted.</p> <p>The following are examples of what may be accepted. *</p> <ul style="list-style-type: none"> <li>• Credit card bill</li> <li>• Work/Pay Stub</li> <li>• Unemployment</li> <li>• Medical Statement</li> <li>• Insurance</li> </ul> <p><i>* School Sites maintain the right to accept/deny the above documents at their discretion.</i></p>

***All new and returning students must verify residency annually.***

Should evidence arise that suggests your child/children do not live at the stated address, more information may be required. Upon review of evidence or lack thereof, that your child/children do not live at the stated address or if you move to a different attendance area during the school year and fail to inform the school, sites maintain the right to disenroll your child/children from their site. In this event, please enroll your child/children in their correct school of residence.

*The above requirements will be waived on account of students designated "homeless" by the McKinney-Vento Homeless Assistance Act.*

**Form# 263**

*Updated 7/14: Student Services (TA)*



# Madera Unified School District

## DECLARATION OF RESIDENCY

*This section to be completed by parent/guardian wishing to enroll child/children*

Name of Parent/Guardian \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_ Zip \_\_\_\_\_

☐ My child/children would like to participate in an athletic program. (*High school and middle school students only*)

**Athletic Office**  
Use: \_\_\_\_\_

**Student(s) Name(s):**

**D.O.B**

**Grade**


I hereby declare or affirm under penalty of perjury that the above information is true and correct. I understand that false or inaccurate information may result in my child/children being dropped from the school and/or disenrolled from Madera Unified School District. Every person who willfully procures another person to commit perjury is guilty of subornation of perjury, and is punishable in the same manner as he would be if personally guilty of the perjury so procured." PC Section 127.

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

*This section to be completed by property owner*

I, \_\_\_\_\_ owner/renter of \_\_\_\_\_  
Name of Property Owner Address

My telephone number is \_\_\_\_\_ and I verify that the above-named children are currently residing at the address listed above.

I understand that:

1. "Residence" means family will be living and sleeping in my home.
2. I am responsible for notifying the school within 48 hours of the family's change of address.
3. Random residency visitations may take place during the school year.
4. This form is valid for one school year only.

I declare or affirm under penalty of perjury that the parent/guardian and the student(s) listed above are residing at that address indicated above; and that the address is lawfully assigned to a home, apartment or other property which I either own or rent. I further declare under penalty of perjury that the above is true and correct, that I could and would so testify under oath, if called to do so before any tribunal or officer empowered by the laws of this state to administer oaths. I am also aware that the school district has the legal authority to make unannounced home visits to verify the residency of the students listed above.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

**MADERA UNIFIED SCHOOL DISTRICT  
FAMILY HISTORY AND PHYSICAL FORM**

SPORT \_\_\_\_\_

Student's Name \_\_\_\_\_ ID # \_\_\_\_\_

**LAST NAME**

**FIRST NAME**

What school did you attend last year? \_\_\_\_\_ Grade \_\_\_\_\_ Age \_\_\_\_\_ Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

- |   |  |           |       |     |      |         |       |      |       |      |       |      |           |          |        |       |           |  |      |
|---|--|-----------|-------|-----|------|---------|-------|------|-------|------|-------|------|-----------|----------|--------|-------|-----------|--|------|
| <p>1. Have you had a medical illness or injury since your last check up or sports physical? <span style="float: right;">YES NO</span><br/>Do you have an ongoing or chronic illness? <span style="float: right;">YES NO</span></p> <p>2. Have you ever been hospitalized overnight? <span style="float: right;">YES NO</span><br/>Have you ever had surgery? <span style="float: right;">YES NO</span></p> <p>3. Are you currently taking any prescription or nonprescription (over-the-counter) medications or pills or using an inhaler? <span style="float: right;">YES NO</span><br/>Have you ever taken any supplements or vitamins to help you gain or lose weight or improve your performance? <span style="float: right;">YES NO</span></p> <p>4. Do you have any allergies (for example, to pollen, medicine, food, or stinging insects)? <span style="float: right;">YES NO</span><br/>Have you ever had a rash or hives develop during or after exercise? <span style="float: right;">YES NO</span></p> <p>5. Have you ever passed out during or after exercise? <span style="float: right;">YES NO</span><br/>Have you ever been dizzy during or after exercise? <span style="float: right;">YES NO</span><br/>Have you ever had chest pain during or after exercise? <span style="float: right;">YES NO</span><br/>Do you get tired more quickly than your friends do during exercise? <span style="float: right;">YES NO</span><br/>Have you ever had racing of your heart or skipped heartbeats? <span style="float: right;">YES NO</span><br/>Have you ever been told you have a heart murmur? <span style="float: right;">YES NO</span><br/>Has any family member or relative died of heart problems or of sudden death before age 50? <span style="float: right;">YES NO</span><br/>Have you had a severe viral infection (for example, myocarditis or mononucleosis) within the last month? <span style="float: right;">YES NO</span><br/>Has a physician ever denied or restricted your participation in sports for any heart problems? <span style="float: right;">YES NO</span></p> <p>6. Do you have any current skin problems (for example, itching, rashes, acne, warts, fungus, or blisters)? <span style="float: right;">YES NO</span></p> <p>7. Have you ever had a head injury or concussion? <span style="float: right;">YES NO</span><br/>Have you ever been knocked out, become unconscious, or lost your memory? <span style="float: right;">YES NO</span><br/>Have you ever had a seizure? <span style="float: right;">YES NO</span><br/>Do you have frequent or severe headaches? <span style="float: right;">YES NO</span><br/>Have you ever had numbness or tingling in your arms, hands, legs, or feet? <span style="float: right;">YES NO</span><br/>Have you ever had a stinger, burner, or pinched nerve? <span style="float: right;">YES NO</span></p> <p>8. Have you ever become ill from exercising in the heat? <span style="float: right;">YES NO</span></p> <p>9. Do you cough, wheeze, or have trouble breathing during or after activity? <span style="float: right;">YES NO</span><br/>Do you have asthma? <span style="float: right;">YES NO</span><br/>Do you have seasonal allergies that require medical treatment? <span style="float: right;">YES NO</span></p> | <p>10. Do you use any special protective or corrective equipment or devices that aren't usually used for your sport or position (for example, knee brace, special neck roll, foot orthotics, retainer on your teeth, hearing aid)? <span style="float: right;">YES NO</span></p> <p>11. Have you had any problems with your eyes or vision? <span style="float: right;">YES NO</span><br/>Do you wear glasses, contacts, or protective eyewear? <span style="float: right;">YES NO</span></p> <p>12. Have you ever had a sprain, strain, or swelling after injury? <span style="float: right;">YES NO</span><br/>Have you broken or fractured any bones or dislocated any joints? <span style="float: right;">YES NO</span><br/>Have you had any other problems with pain or swelling in muscles, tendons, bones or joints? <span style="float: right;">YES NO</span></p> <p><i>If yes, circle appropriately and explain below.</i></p> <table border="0" style="width: 100%;"> <tr> <td>Head</td> <td>Elbow</td> <td>Hip</td> </tr> <tr> <td>Neck</td> <td>Forearm</td> <td>Thigh</td> </tr> <tr> <td>Back</td> <td>Wrist</td> <td>Knee</td> </tr> <tr> <td>Chest</td> <td>Hand</td> <td>Shin/Calf</td> </tr> <tr> <td>Shoulder</td> <td>Finger</td> <td>Ankle</td> </tr> <tr> <td>Upper arm</td> <td></td> <td>Foot</td> </tr> </table> <p>13. Do you want to weigh more or less than you do now? <span style="float: right;">YES NO</span><br/>Do you want to lose weight regularly to meet weight requirements for your sport? <span style="float: right;">YES NO</span></p> <p>14. Do you feel stressed out? <span style="float: right;">YES NO</span></p> <p>15. Record the dates of your most recent immunizations (shots) for:</p> <p>Tetanus _____ Measles _____</p> <p>Hepatitis B _____ Chickenpox _____</p> <p><b>FEMALES ONLY</b></p> <p>16. When was your first menstrual period? _____</p> <p>When was your most recent menstrual period? _____</p> <p>How much time do you usually have from the start of one period to the start of another? _____</p> <p>How many periods have you had in the last year? _____</p> <p>What was the longest time between periods in the last year? _____</p> <p><b>Explain "YES" answers here:</b> _____</p> <p>_____</p> <p>_____</p> <p>_____</p> | Head      | Elbow | Hip | Neck | Forearm | Thigh | Back | Wrist | Knee | Chest | Hand | Shin/Calf | Shoulder | Finger | Ankle | Upper arm |  | Foot |
| Head  | Elbow  | Hip       |       |     |      |         |       |      |       |      |       |      |           |          |        |       |           |  |      |
| Neck  | Forearm  | Thigh     |       |     |      |         |       |      |       |      |       |      |           |          |        |       |           |  |      |
| Back  | Wrist  | Knee      |       |     |      |         |       |      |       |      |       |      |           |          |        |       |           |  |      |
| Chest   | Hand   | Shin/Calf |       |     |      |         |       |      |       |      |       |      |           |          |        |       |           |  |      |
| Shoulder  | Finger   | Ankle     |       |     |      |         |       |      |       |      |       |      |           |          |        |       |           |  |      |
| Upper arm   |  | Foot      |       |     |      |         |       |      |       |      |       |      |           |          |        |       |           |  |      |

**I hereby state that, to the best of my knowledge, my answers to the above questions are complete and correct.**

➡ **SIGNED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_ ➡ **SIGNED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

*(Parent or legal guardian)* *(Student)*

**PHYSICAL EXAMINATION**

**LIABILITY WAIVER:** I agree to indemnify and hold the physician named below harmless against responsibility for injuries or illness incurred by my student-athlete while participating in athletics.

➡ Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

BP \_\_\_\_/\_\_\_\_ (\_\_\_\_/\_\_\_\_/\_\_\_\_) Urine \_\_\_\_\_ Pulse \_\_\_\_\_

All students participating in athletics must have a physical examination. I hereby certify that I have examined \_\_\_\_\_ and found him/her to be physically fit to engage in sports.

**STUDENT'S NAME**

Notes: \_\_\_\_\_

Physician's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## CONSENT FORM

**PARENTAL PERMISSION:** I hereby give my consent for \_\_\_\_\_ to engage in approved  
**STUDENT'S NAME**

athletic activities, except those prohibited by the examining physician. I also give my consent for my child to travel with a representative of the school district on interscholastic athletic trips. In the event this student is injured, the school district official is hereby granted my permission to administer first aid and to secure medical treatment.

**WARNING:** PARTICIPATION IN ATHLETICS MAY RESULT IN SEVERE INJURY, INCLUDING PARALYSIS AND DEATH. CHANGES IN RULES, IMPROVED CONDITIONING PROGRAMS, BETTER MEDICAL COVERAGE AND IMPROVEMENTS IN EQUIPMENT HAVE REDUCED THESE RISKS BUT IT IS IMPOSSIBLE TO TOTALLY ELIMINATE SUCH OCCURRENCE IN ATHLETICS.

➡ Parent/Guardian Signature \_\_\_\_\_ Date: \_\_\_\_\_

**INSURANCE STATEMENT:** Under state law, school districts are required to ensure that all members of school athletic teams have accidental injury insurance that covers medical and hospital expenses. Students must have insurance before they are allowed to practice and participate in athletic programs. This insurance requirement can be met by the school district offering insurance or other health benefits that cover medical and hospital expenses.

Some pupils may qualify to enroll in no-cost local, state, or federally sponsored health insurance programs. Information about these programs may be obtained by calling Healthy Families at 1-800-880-5305.

California school law (Education Code 32220-24) requires every member of an athletic team to have bodily injury insurance providing at least \$1500 of scheduled medical and hospital benefits. The Madera Unified School District makes available upon request insurance through a private insurance company for all students which will meet the education code insurance requirements.

- I have Medi-Cal coverage: No \_\_\_\_\_ Yes \_\_\_\_\_ Card # \_\_\_\_\_
  - I have private medical insurance coverage: No \_\_\_\_\_ Yes \_\_\_\_\_ Name of company \_\_\_\_\_
  - I am purchasing the private insurance that is being made available by MUSD: No \_\_\_\_\_ Yes \_\_\_\_\_ \*\*\*  
\*\*\* This insurance must be paid for before a student is allowed to participate
  - I hereby guarantee to keep medical insurance coverage in force, which meets or exceeds legal requirements for the entire duration that my child participates in athletics.

➡ Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

**(PLEASE COMPLETE INSURANCE INFORMATION BEFORE SIGNING)**

### **ACKNOWLEDGEMENT:**

- I/We, the parent/guardian and student-athlete have received, read and understand the MUSD Student & Parent Guardian Athletic Handbook and acknowledge that violations of any policies may result in disciplinary consequences while participating in interscholastic athletics, regardless of context, site or jurisdiction.
- I/We understand and agree that we are financially responsible for any items lost, stolen or damaged by my child. I/We agree to attend a pre-season parent meeting.
- I/We recognize that under CIF Bylaw 200.D, there could be penalties for false or fraudulent information. I/We also understand that the MUSD policy regarding the use of illegal drugs will be enforced for any violations of these rules.

➡ Student Signature \_\_\_\_\_ Date \_\_\_\_\_

➡ Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

**NOTIFICATION AND DIRECTORY INFORMATION:** If you do not object to the Athletic Director's office releasing your child's name or other pertinent information to the news media, interested schools, parent-teacher associations, interested employers and similar parties, please sign the YES line below. If you do object, please sign the NO line.

➡ \_\_\_\_\_  
Yes, it is permissible to release my child's name

\_\_\_\_\_   
No, I do not want my child's name released

## NOTES

[illegible]