



# NOTICE TO PARENTS/GUARDIANS OF DISTRICT POLICIES

PALO ALTO UNIFIED SCHOOL DISTRICT · 25 CHURCHILL AVENUE · PALO ALTO, CALIFORNIA 94306

August, 2003

Dear Parent/Guardian:

Each year the Palo Alto Unified School District is required to provide you, as a parent/guardian, with notice of certain rights and obligations as specified in California and federal law. We recognize that this document covers many topics and is difficult to digest in one reading. However, the information is important for you to have and cannot be condensed or summarized.

PLEASE scan the major headings, **acknowledge** that you have received the information and then **keep the document** as a reference in your home. If you or your student should have a question during the year about student records, health issues, student discipline, etc., you can use this document as a first source of information. In order to assist you in reviewing the contents, we have noted the major topics and page references below:

- **Student Health and Health Education** ..... pages 1 – 2
- **Student Records** ..... pages 3 – 7
- **Student Discipline** ..... pages 8 - 13
- **Student Attendance** ..... pages 14 - 16
- **Confidential Reporting** ..... page 17
- **Special Education, Complaint Procedures, and Parent/Student Rights: Rehabilitation Act** ..... page 18
- **Board Policies: Tobacco-Free School District and Sexual Harassment: Students and Nondiscrimination** ..... page 19 - 20
- **Miscellaneous (Alternative Schools, Minimum Competency Requirements, Parent Concerns re: District Employees, State Mandated Testing, and Others)** ..... pages 21 - 22

Please take a minute to **sign the acknowledgment below and return it to your school office.**

Thank you for your cooperation.

Sincerely,

**CYNTHIA L. PINO, Ed.D.**

Associate Superintendent – Educational Services

*----- **Clip here and return to the principal at your school** -----*

## ACKNOWLEDGMENT OF RECEIPT OF NOTICE

**Student's Name** \_\_\_\_\_  
(Last Name) (First Name)

**School and Grade** \_\_\_\_\_  
(School) (Grade)

I acknowledge receipt of this notice informing me of my rights as a parent/guardian in regard to certain educational programs and services in the Palo Alto Unified School District. My signature does not indicate consent or withdrawal of consent to participate in any particular program.

\_\_\_\_\_  
Signature of Parent or Guardian

\_\_\_\_\_  
Date

# STUDENT HEALTH and HEALTH EDUCATION

## **EXCUSE FROM HEALTH INSTRUCTION WHICH CONFLICTS WITH RELIGIOUS OR MORAL BELIEFS (E. C. 51240)**

If instruction in any part of the health, family life or sex education programs conflicts with your religious training, beliefs, or personal and moral convictions, you may request **in writing** to your principal that your child be excused from that phase of the program.

## **SEX EDUCATION AND VENEREAL DISEASE AND AIDS PREVENTION INSTRUCTION (E. C. 51550, 51820, 51201.5)**

Family life educational programs, including instruction in sex education, venereal disease and AIDS prevention, are offered at varying times and grade levels in the Palo Alto Unified School District. If the human reproductive organs and their functions and processes are to be described, illustrated or discussed in your child's class, you will be notified before this instruction takes place. You will then have the opportunity to review any written or audiovisual materials to be used. You may request **in writing** to your principal that your child not attend these classes.

## **VISION AND HEARING APPRAISAL (E. C. 49451-5)**

The Palo Alto Unified School District is required to conduct sight and hearing testing at some grade levels. The School Nurse or a licensed technician will make these appraisals. You may request **in writing** to your school principal that your child be exempt from these tests if such appraisal is in conflict with your religious beliefs.

## **ADMINISTRATION OF PRESCRIBED MEDICATION (E. C. 49423)**

When school personnel are requested to keep and/or give medication to a student, the following procedures must be followed:

- (1) California law requires that before any medication can be administered, the District must receive a signed release from the parents/guardians (Parent/Guardian Authorization or Administration of Medicine by School Personnel), indicating their desire that the school district assist the pupil in the manner set forth in the physician's statements (CEC § 49423).
- (2) Parents must also provide the school with a written statement (Physician's Authorization for the Administration of Medicine by School Personnel) from the attending physician which gives specific directions for the administration of the medication to be given at school. California law requires that the physician's statement detail "the method, amount, and time schedules by which medication is to be taken" (CEC § 49423).
- (3) The principal is responsible for reviewing the request to administer medication and determining if the school can honor the request.

## **CONTINUING PROGRAM OF MEDICATION (E. C. 49480)**

State law requires that the parent or guardian notify the school when your child is on continuing medication for a non-episodic condition (e.g., asthma, hay fever, hyperactivity, diabetes, epilepsy, etc.). The attending physician must renew medication for non-episodic orders in a release signed by the parents/guardians at the beginning of each school year or upon entrance to school. Parents/guardians must provide new forms each school year.

Provisions will be made on the emergency card completed annually for notifying school personnel of any medical problem your child may have.

## **SCREENING FOR SCOLIOSIS (E. C. 49452.5)**

Recent legislation requires that all female pupils in grade 7 and all male pupils in grade 8 be given screenings for scoliosis, a condition involving curvature of the spine. You may request **in writing** to the school principal that your child be exempt from such a screening.

## **EXEMPTION FROM PHYSICAL EXAMINATION AND/OR IMMUNIZATIONS (E. C. 49451.5, 49403 and California Administrative Code Title 17, Chapter 4)**

**No student will be allowed to enter school if immunization requirements are not met.**

State law requires immunizations against poliomyelitis, rubella, regular measles, diphtheria, tetanus and mumps for all pupils enrolling in California schools. Immunization against whooping cough is required for pupils 6 years of age or younger. Hepatitis B is required for all entering kindergarten students. As of July 1999, a second dose of MMR and Hepatitis B series has been required for all incoming 7<sup>th</sup> grade students. A Td booster is highly recommended.

As of October 1, 1995, tuberculosis skin testing has been required for all students entering kindergarten for the first time and for all students transferring from outside Santa Clara County and entering into grades one through twelve. This skin test must have been completed within eighteen months prior to kindergarten entry, or within six months prior to entry into grades one through twelve.

The skin test required for school entry is the PPD administered by the Mantoux method and read at 48 to 72 hours. Documentation of the PPD skin test must include:

- 1) date PPD was given
- 2) date PPD was read
- 3) the reading recorded in millimeters of in duration
- 4) Signature of a physician, registered nurse or health professional trained in administering and reading TB skin tests.

*Exemptions for immunizations and/or tuberculosis testing are permitted only for medical reasons verified in writing by a physician or for personal beliefs verified by parent affidavit.*

As of July, 2001, one dose of Varicella (Chickenpox) is required for all incoming kindergartners. For students enrolling from out of state or country who have never attended a California School, one or two doses are required dependent upon the age of the enrolling student.

# STUDENT HEALTH and HEALTH EDUCATION

The Palo Alto Unified School District does not provide physical examinations or immunizations for students. Immunizations may be obtained through the Santa Clara County Immunization Clinic located at 660 S. Fair Oaks, Sunnyvale, every Monday of each month from 8:30 a.m. - 11:00 a.m. and 1:00 p.m. - 4:00 p.m. The Immunization Clinic would prefer to give the immunizations and TB tests on Monday if at all possible. Clinic information may be obtained by calling (408) 792-5200.

## **EXCLUSION OF PUPILS FAILING TO MEET IMMUNIZATION REQUIREMENTS (Health & Safety Code 3380 et. seq.; E. C. 48211, 48213-14)**

Exclusion is the dismissal of students from required school attendance for a temporary or prescribed period of time for medical or moral reasons that may be adverse to the welfare of other students. Exclusion will apply to students who have not met the legal requirements regarding immunization, immunization histories, and tuberculosis testing or when there is reason to believe that a student is a potential carrier of a contagious or infectious disease.

### **Administrative Procedure**

Prior to excluding a pupil, the Board of Education or its designated representative shall send a notice to the pupil's parent or guardian which contains the following information related to grounds for exclusion:

1. Statement of the facts leading to the decision to propose exclusion of the pupil.
2. A statement that the parent or guardian of the pupil has a right to a hearing with a designated representative of the Board to discuss the proposed exclusion, within ten (10) days from the date of exclusion. A request for such a hearing must be made in writing to the Associate Superintendent – Educational Services within five (5) school days from date of exclusion.
3. A statement that if the parent or guardian of the excluded pupil wishes to appeal the decision of the Board's designated representative, he/she has a right to a hearing with the Board within twenty (20) school days from the date when the Board's designated representative reaches a decision to exclude the child from school. A request for such a hearing must be made in writing to the President of the Board within five (5) school days from the date when the Board's designated representative reaches a decision to exclude the child from school.
4. A statement that at any meeting with the Board or its designated representative held to discuss proposed exclusion, the parent or guardian shall have an opportunity to:
  - a) Inspect all documents which the Board or its designated representative relied on in the decision to propose exclusion of the pupil;
  - b) Challenge any evidence and confront and question any witness presented by the Board or its designated representative;
  - c) Present oral and documentary evidence on the pupil's behalf, including witnesses; and
  - d) Designate one or more representatives to be present with the parent or guardian at the meeting.

5. A statement that the decision to exclude the pupil is subject to periodic review on an annual basis unless the Board or its designated representative establishes a shorter period of time. The review shall be conducted pursuant to the same procedures utilized for the initial exclusion.

### **Emergency Exclusion**

The Board or its designated representative need not send prior notice of exclusion if a pupil is excluded for one of the following:

- 1) where the principal or designee has good reason to believe that the pupil is suffering from a recognized contagious or infectious disease;
- 2) where the principal or designee has good reason to believe the pupil resides where any contagious, infectious, or communicable disease exists or has recently existed and which is subject to strict isolation or quarantine;
- 3) where the principal or designee determines that the continued presence of the pupil constitutes a clear and present danger to the life, safety, and health of pupils or personnel.

The Board or its designated representative, however, shall inform the parent and send the notice described under "Administrative Procedure" as soon as is reasonably possible.

### **EXCLUSION OF PUPILS**

The Board of Education may exclude a student from school for the following reasons:

1. filthy or vicious habits;
2. contagious or infectious diseases;
3. physical or mental disability which causes attendance to be inimical to the welfare of other students.

The process of exclusion will ensure that the due process rights of parents and students are protected, and administrative guidelines will be maintained that outline the process by which exclusion will be effected.

# STUDENT RECORDS

## STUDENT RECORDS / RELEASE OF INFORMATION (E. C. 49060-65; 49068-78)

The Board of Education recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law (Public Law 93-380 (Family Education Rights and Privacy Act of 1974 [FERPA] and Education Code Sections 49060-49078.) The Superintendent/designee shall establish regulations governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect and copy student records and shall protect the student and the student's family from invasion of privacy.

The Superintendent/designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records at the district level. At each school, the principal/certificated designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records.

(Revised 6/03)

### ADMINISTRATIVE PROCEDURES

#### 1. **Definitions**

- a. **Privacy of Information.** *Privacy of information means ensuring that confidential information contained in students' records is not disclosed without consent of the parent or a student 18 years of age or older, unless such disclosure is otherwise required by law.*
- b. **Confidentiality.** *Confidentiality refers to the obligation of those who have access to student records to disclose or transmit information only to those parties listed in 7d (Release of Information).*
- c. **Access.** *Access means a personal inspection and review of a student record or an accurate copy of a student record, or receipt of an accurate copy of a student record, or an oral description or communication of a student record.*
- d. **Parent.** *Parent means a natural parent, an adoptive parent or a legal guardian.*
- e. **Student Record.**
  - 1) *Student records include a range of information that is:*
    - a) *Directly related to a student*
    - b) *Recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche*
    - c) *Maintained by education agencies or institutions, or by parties acting for the agency or institutions*
    - d) *Including but not limited to:*
      - (1) *Family information, such as name and address of the student, parent, emergency contact information, date and place of birth, number of siblings*
      - (2) *Personal information, such as identification code, social security number, picture, or list of personal characteristics that would make it*

*easy to identify a student*

- (3) *Grades, test scores, courses taken, academic specializations and activities, and official letters about a student's status in school*
  - (4) *Test records, answer sheets (including written responses to performance assessments and portfolios) and records of individualized education programs*
  - (5) *Special education records*
  - (6) *Disciplinary records established and maintained by school officials*
  - (7) *Medical and health records that the school collects and maintains*
  - (8) *Documentation of schools attended, courses taken, attendance, awards conferred and degrees earned*
  - (9) *Video tape recordings of individuals or groups of students*
- 2) *A student record shall not include informal notes related to a student compiled by a school officer or employee, which remain in the sole possession of the maker and are not accessible or revealed to any other person (except a substitute who is temporarily performing the duties of that school officer or employee).*
- f. **Directory Information** *is part of the student record that may be disclosed pursuant the Student Records/Access to and Release of Information policy. Directory Information means one or more of the following:*
  - 1) *Student/parent name*
  - 2) *Address*
  - 3) *Telephone number*
  - 4) *Date and place of birth*
  - 5) *Major field of study*
  - 6) *Participation in school activities and sports*
  - 7) *Weight and height of members of athletic teams*
  - 8) *Dates of attendance*
  - 9) *Diplomas and/or awards and honors received*
  - 10) *Most recent previous school attended by student*
- g. **Legitimate educational interest.** *A school official or employee's legitimate educational interest refers to his or her assigned responsibility relating directly to a student's instruction, placement in grade, class or special program, discipline, assessment of aptitude and/or achievement, counseling, guidance and the clerical tasks necessary to carry out these responsibilities.*
- h. **School officials/employees** *are defined as Board members, the district's legal counsel or district employees charged with responsibilities that qualify as legitimate educational interest.*
2. **Prohibition**
  - a. *It is the policy of this Board that student records available to school personnel shall be confidential and that the rights of students and parents to privacy of such records shall be*

# STUDENT RECORDS

observed. The granting of access to student records to any person or organization is forbidden, except as specifically provided by law and this policy.

- b. Requests for student records from persons or organizations not specifically covered by this policy shall be referred to the Superintendent/designee.
3. **Maintenance, Retention and Destruction of Records**  
Student records shall be established, maintained, and destroyed according to the regulations of this policy and as specified in the California Administrative Code (and revisions thereof), Title V, Part I, Division II, Chapter 2, beginning with Section 400 (and revisions thereof).
4. **Miscellaneous Provisions**
  - a. **Access Log.** A log shall be maintained in each student's cumulative record listing all persons or organizations requesting or receiving information from the record. The log shall be open to inspection only by a parent or student 18 years of age or older, and the school official/designee responsible for the maintenance of printed student records. The following types of access should not be listed in the Access Log:
    - 1) School officials/employees.
    - 2) The student and the student's parents.
    - 3) Directory information released pursuant to the Student Records/Access to and Release of Information policy.
    - 4) Access pursuant to a court order or subpoena if the issuing agency orders that the existence of the subpoena or the information furnished in response not be disclosed.
  - b. **Charges.**
    - 1) The following shall be made available free of charge:
      - a) Two transcripts for a former student, or
      - b) Two verifications of records for a former student, or
      - c) Two transcripts for a current student.
    - 2) A fee will be charged per transcript or per verification for every copy in excess of the above allowance.
    - 3) The district may charge a fee per page to furnish portions of a former or current student's record other than transcripts or verifications.
  - c. **Disciplinary Record.** Whenever there is included in any student record information concerning any disciplinary action taken by school personnel in connection with a student, the school maintaining such records shall allow the student's parent to include in such student record a written statement or response concerning the disciplinary action.
5. **Transfer of Records**
  - a. **Transfer of Records to District.** When a student transfers to the Palo Alto Unified School District, the student's permanent enrollment and scholarship record, or a copy thereof, shall be requested from the previous school or school district. The school or district employee

requesting such a transfer of record shall notify the parent of his/her right to review the record and his/her right to challenge the content of the record.

- b. **Transfer of Records from District.** When a student transfers from the Palo Alto Unified School District, the student's permanent enrollment and scholarship record shall be updated and transferred to the new school district or private school upon request.
6. **Rights of Parents – Access and Challenge**
  - a. **Right to Access.** Parents, including those divorced or separated, shall have the right of access to all student records relating to their children maintained by this district, except that only the parent having legal custody may challenge the content of the record, offer a written response or consent to release of records to others. However, if both parents have notified the district in writing of an agreement between themselves that either parent may grant consent for release of a record, the agreement will be honored by the district.
  - b. **Initiation of Request and Access Procedure.**
    - 1) The parent of a student shall have access to, or if requested, a copy of that student's record within 5 days of a written or oral request. The district must request verification of identity before a student's educational records are released.
    - 2) It is desirable, though not required, that an administrator/certificated designee be present to interpret and explain the records to the parents.
  - c. **Challenge by the Parent.**
    - 1) Upon inspecting and reviewing his/her child's record, the parent of a student or former student may challenge the content of the student record on one or more of the following grounds, by alleging:
      - (a) inaccuracy, or
      - (b) unsubstantiated personal conclusion or inference, or
      - (c) a conclusion or inference outside of the observer's area of competence, or
      - (d) data is not based upon the personal observation of a named person with the time and place of the observation noted, or
      - (e) information/conclusions are misleading, or
      - (f) violations of the student's privacy or other rights.The building principal/designee is authorized to modify the record in a fashion responsive to the challenge if, in his/her judgment, the criticism is appropriate. In the event of a persistent disagreement over an entry in the record, the parent shall forward, in writing, a statement of the challenge to the district Superintendent.
    - 2) Within thirty days of receipt of such request, the Superintendent/designee shall meet with the parent and the certificated employee (if

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- any) who recorded the information in question (if such employee is presently employed by the school district). The Superintendent shall then sustain or deny the allegations.
- 3) If the Superintendent sustains the allegations, s/he shall order the correction or the removal and destruction of the information.
  - 4) If the Superintendent denies the allegations and refuses to order the correction or removal of the information, the parent may, within thirty days of the refusal, appeal the decision in writing to the Board. (The Superintendent or governing board may use a hearing panel should it so desire under the procedure for challenging the contents of student records.)
  - 5) Within thirty days of receipt of such an appeal, the Board shall meet in Closed Session with the parent and the certificated employee (if any) who recorded the information in question and determine whether or not to sustain or deny the allegations.
  - 6) If the Board sustains any or all of the allegations, it shall order the Superintendent to correct or remove and destroy the information from the written records of the student.
  - 7) The decision of the Board shall be final.
  - 8) Records of the administrative proceeding shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Board unless the parent initiates legal proceedings.
  - 9) If the decision of the Board is unfavorable to the parent, or if the parent accepts an unfavorable decision by the Superintendent, the parent shall have the right to submit a written statement of his objections and said statement shall become a part of the student's school record.
- d. **Right to File Complaint.** The parent or eligible student has a right to file with the U. S. Department of Education a complaint under paragraph 99.64 of the Family Educational Rights and Privacy Act ("FERPA") concerning alleged failures by the district to comply with federal regulations concerning student records.
- e. **Notification to Parents of Rights.** The district shall notify parents of their rights to access and challenge student records as specified in Education Code Section 49063.
7. **Privacy of Student Records**
- a. **Directory Information**
    - 1) Directory information shall not be released if a parent or adult student has notified the school district in writing that such information relative to that particular student shall not be released.
    - 2) A parent or adult student must notify the school district of his/her written prohibition within thirty days (30) of the receipt of the annual notification of parents' and students' rights.
  - 3) School officials may deny the release of specific directory information if the release of such information is deemed contrary to the best interest of the student.
  - 4) Directory information shall not be disclosed to private or profit-making entities other than those mentioned below.
  - 5) Unless a parent or adult student specifically denies permission, directory information may be released to:
    - a) The PTA or any other parent or citizens' group which, in the opinion of the district, is using the information to promote the welfare of the students of the district.
    - b) Requesting private schools or post-secondary schools.
    - c) Representatives of the news media.
    - d) Employers and prospective employers.
    - e) State or local law enforcement officers, including a probation officer, parole officer or administrator seeking information in the course of his duties.
    - f) An officer or employee of a federal, state or county agency seeking information about a minor in the course of his duties.
    - g) Requesting representatives of PAUSD alumni groups who are planning secondary school reunions.
    - h) Representatives of military services.
  - b. **Statistical Data.** Statistical data from which no student may be identified may be released to any public agency or entity or private, non-profit college, university or educational research and development organization when the school official deems that such actions would be in the best educational interest of students.
  - c. **Access without Consent, Judicial Order, or Subpoena.** Access to student records by any person or organization without written parent consent or judicial order is forbidden, except that access to these particular records relevant to the legitimate educational need of the requester shall be permitted to the following:
    - 1) Any person for whom a parent or parents of the student has executed written consent specifying the records to be released and identifying the party to whom the records may be released. The consent notice shall be permanently kept with the record. The recipient must be notified that the transmission of the information to others is prohibited without written consent.
    - 2) School officials, employees of the district and a member of the School Accountability Review Board (SARB), provided that any such person has a legitimate educational interest to inspect the record.
    - 3) Officials and employees of other public

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- schools or school systems and/or state correctional facilities where educational programs leading to high school graduation are provided, where the student intends to, or is directed to, enroll.*
- 4) *Authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials or their respective designees, or the United States Officer for Civil Rights, where such information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law, provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation and enforcement of federal legal requirements.*
  - 5) *Other state and local officials to the extent that information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974. Verification of the official's authority to require this information may be required.*
  - 6) *Parents of a student 18 years of age or older who is dependent as defined in Section 152 of the Internal Revenue Code of 1954.*
  - 7) *A student 16 years of age or older or having completed the tenth grade who requests such access.*
  - 8) *Any district attorney who is participating in or conducting a truancy mediation program pursuant to Section 48263.5 or Section 601.3 of the Welfare and Institutions Code, or participating in the presentation of evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code.*
  - 9) *A prosecuting attorney for consideration against a parent for failure to comply with the Compulsory Education Law or with Compulsory Continuation Education.*
  - 10) *Any probation officer of district attorney for the purposes of conducting a criminal investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.*
  - 11) *Any judge or probation officer for the purpose of conducting a truancy mediation program for a pupil, or for purposes of presenting evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code. The judge or probation officer shall certify in writing to the school district that the information will be used only for truancy purposes. If the district*
- releases pupil information pursuant to this section, the district shall inform or provide written notification to the parent of the pupil within 24 hours of the release of the information.*
- d. **Release of Information.** *Information from student records may be released to the following:*
    - 1) *Directory information as per sections 1-f and 7-a.*
    - 2) *Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health, safety or welfare of a student or other persons. Any release pursuant to this section shall be reported to the Superintendent as soon as is practicable.*
    - 3) *Agencies or organizations in connection with the student's application for, or receipt of, financial aid.*
    - 4) *Accrediting associations in order to carry out their accrediting functions.*
    - 5) *Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents, and if such information will be destroyed when no longer needed for the purposes for which it is conducted.*
    - 6) *Officials and employees of private schools or school systems where the student is enrolled, or intends to enroll. Such information shall be in addition to the student's enrollment and scholarship records that may be transferred pursuant to Section 5.*
    - 7) *Public or private contracted business associates (statistical, database, etc.) who have a relationship with the district and have a need to know in order to perform the functions required by the contract with the district. Each public or private contracted business associate must sign a confidentiality agreement verifying that they will appropriately safeguard and maintain the integrity of data for all student information. Student data is the property of Palo Alto Unified School District. Any agency or institution that inappropriately re-releases personally identifiable information from an education record shall not have access to education records for five years.*
  - e. **Judicial Orders/Subpoenas.**
    - 1) *Information concerning a student shall be furnished pursuant to a court order or a lawfully issued subpoena. The school employee who complies with the judicial order or subpoena shall make a reasonable effort to notify the parent and the student in advance of compliance, unless such notification would violate the requirements of a court order.*

## STUDENT RECORDS

- 2) *The service of a subpoena upon a public school employee solely for the purpose of causing him to produce a school record pertaining to any student may be complied with by such employee, in lieu of personal appearance as a witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of such record, accompanied by an affidavit certifying that such copy is a true copy of the original record on file in the school office.*
- 3) *A copy of the record shall be in the form of a data file, photostat, microfilm, microcard or miniature photograph or other photographic copy or reproduction, or enlargement thereof.*
8. **Locations of Student Records.** *The principal at the school in which the student is enrolled maintains individual student print cumulative records. When students leave the district at the elementary level, the Supervisor of Central Attendance maintains their print cumulative records in the District Office at 25 Churchill Avenue. When students leave the district at the secondary level, their print cumulative records are maintained at their last school of attendance for five years and are then forwarded to the Supervisor of Central Attendance in the District Office at 25 Churchill Avenue. Individual student electronic records are stored on the Student Data Management System. When students leave the district, electronic records are archived in an electronic format at 25 Churchill Avenue and maintained in the District Office fireproof vault.*  
(Revised 6/03)

# STUDENT DISCIPLINE

## DISTRICT DISCIPLINE PLAN

The Board of Education has adopted a district discipline plan which provides guidelines for all district schools in establishing relatively uniform standards of conduct for district schools. These rules and regulations are shared with parents and all secondary students at the beginning of each school year.

**Conduct and Discipline.** The discipline policy of the Palo Alto Unified School District complies with the California Education Code, Title V of the California Administrative Code, and the California Penal Code. (Copies will be available upon request from the Associate Superintendent of Educational Services.)

The maintenance of effective school discipline is a significant part of the educational process and is important in providing meaningful learning experiences.

Discipline should not simply be punishment for misbehavior but should also include active, positive efforts to change behavior. Although often necessary, and an effective short-term deterrent to behavior problems, punishment alone is the least effective means of changing behavior. Effective behavioral change includes individualized efforts to teach acceptable school behaviors and to reinforce self-esteem. Discipline at the site level should include positive behavioral support to assist students in resolving problem behavior and encourage personal responsibility. In order to be effective, consequences for misbehavior should be: (1) graduated, (2) the responsibility of the student, and (3) consistently monitored for the entire period of disciplinary action. The goal of all discipline should be to encourage positive behavior and to produce a safe environment for all students. The most effective discipline plans are the product of mutually supportive parent-school partnerships.

## BEHAVIOR MANAGEMENT

### Minor Violations:

Minor violations are those which are not deemed serious in nature but may disrupt the educational atmosphere of the school such as tardiness, occasional disruptive comments, bringing unauthorized items such as radios, bicycles, skateboards on campus, etc. Minor violations are most often handled at the classroom level first; repeated occurrences which indicate the teacher's inability to correct the problem, should be referred to an administrator. An accumulation of minor violations constitutes a major violation if there is clear indication that attempts to resolve the problem have been unsuccessful. Schools will maintain a site discipline plan for handling minor violations with the consequences outlined for most common infractions.

### Major Violations:

Major violations are those which are sufficiently serious to require administrative attention either at the site or the district level. Offenses and consequences for major violations shall be cumulative throughout the student's secondary career to ensure that consequences are gradual and sequential and based on the frequency of the offenses.

### Consequences for Misbehavior:

The primary function of the Discipline Plan is to establish standards of acceptable behavior for all students and to provide consequences which can modify deviant or inappropriate behavior. Every effort will be made to afford the student, parent and staff member their rights of due process in determining the consequences for inappropriate behavior. Standards of conduct will be established to ensure fair and impartial treatment of students; each case will be treated individually to the extent possible and judged on its own merits. Variations in dispositions will consider the seriousness of the offense, the conditions under which it occurred, and the student's past school record. Appropriate consequences for first

or second minor violations might include any one or a combination of the following:

1. Counseling by teachers
2. Counseling by school counselors
3. Parent notification
4. Detention/restriction of privileges/work detail
5. Parent conference
6. Action by appropriate administrator
7. Weekly process reports

Appropriate alternatives for major violations may include any one or a combination of the following:

1. Teacher suspension
2. Administrative suspension
3. Student contracts
4. Modification of schedule, program, or shortened day
5. Referral to community agencies
6. Referral to the Police Department
7. Referral to appropriate school committee
8. Referral to district-level committee
9. Involuntary transfer
10. Juvenile court referral
11. Consideration of expulsion

As a general rule, more serious dispositions noted above will be used only when other methods have failed to bring about a change in those instances where the behavior itself is sufficiently serious to warrant suspension on a first offense. The Education Code specifically outlines the causes for suspension and expulsion.

## SUMMARY OF TYPICAL OFFENSES

The following is a brief summary of typical offenses by category which may be characterized as minor or major violations, including those for which there are mandatory consequences. Information about the offenses noted below may be secured from administrators at each school site or the district office. Whereas it is impossible to note all of the potential violations which can occur, this summary by category provides guidelines for identifying consequences which are consistent with similar infractions.

### ***Category 1: Violations which involve disciplinary measures at the site level; possible teacher or administrative suspension; possible arrest; possible recommendation for expulsion***

- Skateboards, roller-skates/blades, bicycles on campus
- Misconduct
- Profanity, vulgarity
- Motor vehicle violation
- Unauthorized presence on another campus at prohibited times or in prohibited areas
- Class disturbance
- Site specific violations noted in the Site Discipline Plan
- Being in the vicinity where drugs or alcohol are being used
- Fighting (mutual combat)
- Intimidation, harassment, or hazing
- Profanity/vulgarity toward staff
- Defiance, disruption or willful disobedience
- Forgery (school documents)
- Smoking/chewing tobacco
- Gambling
- Possession, providing, sale of drug paraphernalia
- Repeated violations of any rules

# STUDENT DISCIPLINE

## ***Category 2: Violations which will result in a Site Disciplinary Hearing; administrative suspension, possible arrest, possible recommendation for expulsion (E. C. 48900)***

- Caused, attempted to cause, or threatened to cause physical injury to another person
- Willfully used force or violence upon the person of another, except in self-defense
- Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designees of the principal
- Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance, as defined in Section 11007 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind
- Unlawfully offered, arranged, or negotiated to sell or otherwise furnished any controlled substance, as listed in Chapter 2 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 any person another liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant
- Committed or attempted to commit robbery or extortion
- Caused or attempted to cause damage to school property or private property
- Stolen or attempted to steal school property or private property
- Possessed or used tobacco, or any products containing tobacco or nicotine products, except as provided in Section 48901
- Committed an obscene act or engaged in habitual profanity or vulgarity
- Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code
- 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
- Knowingly received stolen school property or private property
- Possessed an imitation firearm
- Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- 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
- Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug SOMA
- Aided or abetted the infliction or attempted infliction of physical injury to another person
- Committed sexual harassment as defined in Section 212.5, grades 4 to 12 (E.C. 48900.2)
- Caused, attempted to cause, threatened to cause or participated in an act of hate violence, grades 4 to 12 as defined in subdivision (e) of Section 233 (E.C. 48900.3)
- Engaged in harassment, threats or intimidation directed against a pupil or group of pupils, that is sufficiently

severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment, grades 4 to 12 (E.C. 48900.4)

- Threatened school officials or school property, or both (E.C. 48900.7)
- Actions above must relate to school activities or attendance and may take place at any time, including, but not limited to, any of the following: (1) on school grounds; (2) while going to and from school; (3) during the lunch period, whether on or off campus; or (4) during, or while going to or coming from, a school-sponsored activity.

## ***Category 3: Violations which must be referred to the Board of Education or its Designee with a recommendation for expulsion (E. C. 48915)***

- Possessing, selling or otherwise furnishing a firearm. A school district employee must verify possession of the firearm.
- Brandishing a knife at another person
- Unlawfully selling a controlled substance listed in Chapter 2 of the Health and Safety Code
- Committing or attempting to commit a sexual assault or committing a sexual battery
- Possession of an explosive.

## ***Category 4: Violations referred to the Board of Education or its Designee with a recommendation for expulsion; mandatory arrest (SB 1198 and E. C. 48915)***

- Causing serious physical injury to another person, except in self-defense
- Possession of any knife or other dangerous object of no reasonable use to the pupil
- Unlawful possession of any controlled substance listed in Chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis
- Robbery or extortion
- Assault or battery, as define in Sections 240 and 242 of the Penal Code, upon any school employee
- Students may be suspended pending a Disciplinary Hearing at the site. At the hearing that the student and parent or guardian will attend, dispositions can range from placing the student on a contract in the school of attendance to penalties as serious as changing school placement or referring the student to the Administrative Hearing Panel for consideration of expulsion.

# STUDENT DISCIPLINE

## **SUSPENSION/EXPULSION.**

*This policy recognizes that maintaining an educational environment which maximizes learning and protects the health, safety, and welfare of all students sometimes requires the exclusion of a student from regular classroom instruction for up to one calendar year, or on a case-by-case basis, for a period of time deemed necessary to correct the behavior of that student. Any exclusion of a student from school is used as a last resort and, with the exception of specific serious offenses, this method shall be used only when other alternatives for correcting the student's behavior have failed to bring about the desired conduct. Any student who is expelled shall be referred to an alternative education placement for the expulsion period.*

**a. Definitions and Causes.** For the purpose of this policy, the following definitions should be used:

- (1) "Suspension" is defined as the removal of a student from ongoing instruction for disciplinary purposes and does not include the following:
  - (a) Reassignment to another program or class at the same school where the student will receive continuing instruction for the length of stay prescribed for students of the same grade level;
  - (b) Referral to a certificated employee designated by the principal to advise students, or removal from the class for the remainder of the class period, occurring no more than once every five school days.
- (2) "Expulsion" is defined as the denial of the student's right to attend regular classroom instruction.
- (3) "Day" means a calendar day unless otherwise specifically provided.
- (4) "School day" means a day upon which the schools of the District are in session or weekdays during the summer recess.
- (5) The definition of "student" includes a student's parent/guardian or legal counsel.
- (6) "Superintendent's designee" means the person officially designated as having responsibility for implementing the District's student behavior policy at the Central Office level.
- (7) "Principal's designee" means any person designated to carry out suspension or expulsion procedures whether the principal is present on school grounds or is absent from the school.

For the purposes of this section, a "principal's designee" is an administrator, or if there is not a second administrator at the school site, a certificated person, specifically designated by the principal, in writing, to assist with disciplinary procedures. The principal may designate only one such person at a time as the principal's primary designee for the school year. The name of such person shall be on file in the principal's office. An additional person meeting these requirements may be designated by the principal, in writing, to assist with student discipline when both the principal and the principal's primary designee are absent from the school site. The name of the person shall be on file in the principal's office.
- (8) A student may not be suspended from school or recommended for expulsion (E.C. §48900, subsections [a]-[p], [r], §48900.2, §48900.3, §48900.4 and §48900.7 below) unless the Superintendent or the

principal/designee of the school in which the student is enrolled determines that the student has:

- (a) (1) 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.
- (b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designees of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance, listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
  - (d) Unlawfully offered, arranged, or negotiated to sell any 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 any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property. School property includes electronic files and databases.
- (g) Stolen or attempted to steal school property or private property.
- (h) 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 pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) 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.
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual

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- assault or committed a sexual battery as defined in the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug SOMA.
- (r) Aided or abetted, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person. For this offense, a student may be suspended but not expelled, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime in which the victim suffered great or serious bodily injury shall be subject to discipline pursuant to subdivision a.  
(Education Code §48900[r])
- (.2) Committed sexual harassment as defined in Education Code Section 212.5, if the pupil is enrolled in grades 4 to 12, inclusive. The conduct described in Section 212.5 must be considered by a 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.  
(Education Code §48900.2)
- (.3) Caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code, if the pupil is enrolled in grades 4 to 12, inclusive.  
(Education Code §48900.3)
- (.4) Intentionally engaged in harassment, threats, or intimidation, directed school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment, if the pupil is enrolled in grades 4 to 12, inclusive.  
(Education Code §48900.4)
- (.7) Threatened school officials or school property, or both, as defined in Education Code §48900.7.  
(Education Code §48900.7)
- (9) Actions above must relate to school activities or attendance and may take place at any time including, but not limited to, any of the following: (1) on school grounds; (2) while going to and from school; (3) during the lunch period, whether on or off campus; or (4) during, or while going to or coming from, a school-sponsored activity.  
(Education Code §48900[q])
- (10) A student shall be immediately suspended by the Superintendent or Principal/designee, and recommended for expulsion by the Superintendent or Principal of the school if the student commits any of the following acts at school or at a school activity off school grounds:
- (a) Possessing, selling or otherwise furnishing a firearm. A School District employee must verify possession of the firearm.
- (b) Brandishing a knife at another person. "Knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
- (c) Selling a controlled substance listed in Chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code.
- (d) Committing or attempting to commit a sexual assault or committing a sexual battery.
- (e) Possession of an explosive. "Explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.  
(Education Code §48915[c])
- (11) All recommendations for expulsion by the Superintendent or Principal shall be referred to an administrative hearing panel for a formal hearing.  
(Education Code §48918[d])
- (12) Should the Administrative Hearing Panel find the student to have violated any of subdivisions (10) (a), (b), (c), (d) or (e) above, the Administrative Hearing Panel shall recommend that the Governing Board expel the student and the Governing Board shall expel the student.  
(Education Code §48915[d])
- (13) The Principal or Superintendent shall recommend a student's expulsion for any of the following acts, committed at school or at a school activity off school grounds, unless the Principal or Superintendent finds that expulsion is inappropriate due to the particular circumstance:
- (a) Causing serious physical injury to another person, except in self-defense.
- (b) Possession of any knife or other dangerous object of no reasonable use to the pupil.
- (c) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
- (d) Robbery or extortion.
- (e) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.  
(Education Code §48915[a])
- (14) Upon recommendation by the Administrative Hearing Panel, the Governing Board may order a student expelled upon finding that the student committed an act listed in subdivisions (13) (a)-(e) above, or committed an act listed in subdivisions (8) (a)-(e) above. A decision to expel shall be based on a finding of one or both of the following:
- (a) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
- (b) Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others.

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(Education Code §48915[b])

- (15) Upon recommendation by the Administrative Hearing Panel, the Governing Board may order a student expelled upon finding that the student violated any of subdivisions (8) (a-p, r., .2, .3, .4, and .7) above and either of the following:
- (a) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
  - (b) That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others.

(Education Code §48915[e])

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## b. Notice to Law Enforcement Authorities.

- (1) The principal/designee shall, prior to the suspension or expulsion of any student, notify appropriate law enforcement authorities of any acts of the student that may be in violation of Section 245 of the Penal Code (assault with a deadly weapon or force likely to produce great bodily injuries, or possession, selling or otherwise furnishing a firearm at school or at a school event).

(Education Code §48902[a])

- (2) The principal/designee shall, within one (1) school day, after suspension or expulsion of any student, notify, by telephone or any other appropriate method chosen by the school, the appropriate law enforcement authority of any acts of the student that may violate subdivisions (8)(c) or (d) above.

(Education Code §48902[b])

- (3) The principal/designee shall notify the appropriate law enforcement authorities of any acts of a student that may involve the possession or sale of narcotics or of a controlled substance or a violation of section 626.9 or 626.10 of the Penal Code.

(Education Code §48902[c])

- (4) The principal/designee reporting a criminal act committed by a schoolage individual with exceptional needs shall ensure that copies of the special education and disciplinary records of the student are transmitted, as described in paragraph (9) of subsection (k) of Section 1415 of Title 20 of the United States Code, for consideration by the appropriate authorities to whom he or she reports the criminal act. Any copies of the student's special education and disciplinary records may be transmitted only to the extent permissible under the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g et seq.).

(Education Code §48902[f])

## c. Students with Exceptional Needs: Special Rules

- (1) **SUSPENSION.** An individual with exceptional needs may be suspended for no more than, five (5) consecutive school days for violation of previously cited Education Code sections. Where the expulsion of a student with exceptional needs is being processed by the Governing Board, the student's suspension may be extended for up to ten (10) consecutive school days in accordance with Education Code section 48911(g), if the presence of the student at school or in an alternative school placement would cause a danger to persons or property or if the student poses a threat of disrupting the instructional process. In the case of a truly dangerous student, a suspension may exceed ten (10) consecutive school days, or the student's placement may be changed, or both, if one of the following occurs:

- (a) The student's parent/guardian agree.
- (b) A court order so provides.
- (c) The student is placed in an interim alternative educational setting.

- (2) **CHANGE OF PLACEMENT.** If the principal/designee or superintendent recommends a disciplinary action that will result in a change of placement for a student with exceptional needs, the following procedures are required:

- (a) The principal/designee notifies the parents of the student to inform them of the alleged behavior of the student that may result in expulsion.
- (b) Within ten (10) school days of the date on which the expulsion recommendation is made, the IEP Team determines the relationship between the student's disability and the behavior subject to the disciplinary action by reviewing assessments and diagnostic results, relevant information supplied by the student's parents, observations of the student, and the student's IEP and placement.
- (c) The IEP Team determines whether, in relationship to the behavior subject to disciplinary action, the student's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's OIEP and placement.
- (d) The IEP Team determines whether the student's disability impaired the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action.
- (e) The IEP Team determines whether the student's disability impaired the ability of the student to control the behavior subject to disciplinary action.
- (f) The IEP Team findings shall be made at an IEP meeting wherein the parents are fully informed of their right to a free and appropriate public education. The principal/designee shall be informed of the IEP Team's findings.
- (g) If it is determined by the IEP Team that the alleged misconduct was not a manifestation of the student's disability, then the student may be appropriately referred to the disciplinary procedures established pursuant to Education Code sections 48900-48925, but a free and appropriate public education must continue to be provided.
- (h) If, however, it is determined that the alleged misconduct was a manifestation of the student's disability, then the IEP Team shall further designate the appropriate placement for the student and revise his/her IEP, if necessary.
- (i) Any disagreements (at any time) between the parent and the District regarding the appropriateness of the student's placement or recommended change of placement, including expulsion, are subject to Special Education administrative fair hearing procedures.
- (j) If the hearing officer upholds the recommendation for expulsion, then the District can proceed through the normal expulsion proceedings.

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## (3) INTERIM ALTERNATIVE EDUCATIONAL SETTING BY THE DISTRICT

- (a) A student with exceptional needs may be placed by the District in an appropriate interim alternative educational setting when s/he commits one of the following acts:
  - i. Carries a weapon, as defined in United States Code, title 18, section 930, to school or to a school function.
  - ii. Knowingly possesses or uses illegal drugs while at school or a school function.
  - iii. Sells a controlled substance while at school or a school function.
- (b) The student may be placed in the interim alternative educational setting for up to 45 days, or until the conclusion of any Special Education administrative fair hearing proceedings requested by the parent/guardian.
- (c) The student's interim alternative educational setting shall be determined by the student's IEP Team.

## (4) INTERIM ALTERNATIVE EDUCATIONAL PLACEMENT BY A HEARING OFFICER OF THE SPECIAL EDUCATION HEARING OFFICE ("SEHO")

- (a) A hearing officer may order a change in placement of a student with exceptional needs to an appropriate interim educational setting if the hearing officer:
  - i. Determines that the District has established by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or others.
  - ii. Considers the appropriateness of the student's current placement.
  - iii. Considers whether the District has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services.
  - iv. Determines that the interim alternative educational setting allows the student to participate in general curriculum, to continue to receive IEP services and to receive services designed to ensure that the behavior does not recur.

(Revised 6/03)

## SUBSTANCE ABUSE

In an attempt to maintain a coordinated and concentrated effort on the part of the school district and the police department to effectively combat substance abuse among young people, on April 23, 1985, a Memorandum of Understanding was agreed upon between the two agencies. The agreement provides for mandatory referrals to the police department and to the Site Discipline Committee for offenses related to alcohol and substance use in and around school campuses. Copies of the Memorandum of Understanding are available upon request from secondary school administrators.

## POSSESSION AND USE OF ELECTRONIC SIGNALING DEVICES

Use of electronic signaling devices shall not interfere with teaching and learning.

An electronic signaling device is one that operates through the transmission or receipt of radio waves, including, but not limited to, cellular or digital telephones, pagers, hand-held radios, personal data assistants (PDAs), and laptop computers with wireless phone capability. This definition of electronic signaling device also includes any new technology developed for similar purposes.

Pursuant to its authority under the Education Code, the Board finds that students may possess electronic signaling devices while the students are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees.

Students must ensure that the device is turned off and out of sight during instructional periods. All amplification and notification functions of such devices shall remain in the "off" position while the student is involved in classroom instruction and other school activities.

Electronic signaling devices that disrupt school activities will be confiscated by school officials and returned to the student's parent or guardian. The use of electronic signaling devices, except for legitimate educational purposes as authorized or approved by the school site, will be considered disruptive and may result in the imposition of disciplinary action.

(E.C. §48901.5)

*Administrative Procedure: Each principal shall establish limits and guidelines for use of electronic devices as cited in the student handbook.*

(Revised 6/03)

## ALTERNATIVE DISCIPLINARY METHODS

### WITHHOLDING GRADES, DIPLOMA AND TRANSCRIPTS

Upon the recommendation of the Board of Education, the school district may withhold the grades, diploma and transcript of any student responsible for willfully cutting, defacing, or otherwise injuring the district's real and/or personal property, or who has willfully not returned, upon demand, school property loaned to the student until the student or the student's parent or guardian has paid for the damages thereto. Such withholding may occur after the student is afforded the due process rights provided in the district's procedures for withholding. Copies of the specific guidelines are available upon request from local school administrators.

### INVOLUNTARY TRANSFERS

The Palo Alto Unified School District reserves the right to determine the most appropriate school placement for a student if the student demonstrates problems in school adjustment related to attendance, performance of behavior. Students may be involuntarily transferred only when other means fail to bring about the change in the student's behavior or when the student commits an act which indicates that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.

# STUDENT ATTENDANCE

## STUDENT NON-ATTENDANCE AND TARDINESS POLICY (E. C. 48200-48342)

The Palo Alto Unified School District recognizes that success in school is in part related to prompt and regular classroom attendance. Frequent absences or tardies which result in a student missing all or parts of presentations, demonstrations, discussions, explanations, and/or other classroom activities are detrimental to the individual student and the class. Student non-attendance and/or persistent tardiness are therefore matters of serious concern.

While disciplinary action may be used in district classrooms as an effective way of responding to non-attendance and tardiness, persistent unexcused absences, tardies, or excessive accumulated absences will result in a student being dropped from class. Detailed administrative procedures outlining the series of progressive consequences and parent/guardian/student notifications shall be followed to ensure that students and parents/guardians are informed of a student's developing attendance and tardiness patterns.

In addition to those employees authorized in state statute and regulation, employees whose full-time, part-time, or temporary positions include the following assignments or responsibilities may receive, record, and verify information relative to non-attendance and tardiness, including, but not limited to, illness or quarantine, as necessary and appropriate: school secretary, secretary, typist clerk, secretarial supervisor, attendance clerk registrar, data clerk, administrative assistant, counselor, dean, and coordinator.

*Administrative Procedure: Every attempt shall be made to notify parents of student absences.*

**1. Excused Absences.** Excused absences shall include the following:

**a. Health** – absences due to illness, quarantine, medical, dental, optometrical or chiropractic services rendered.

No student shall be sent home for health related reasons unless a parent or guardian has been apprised.

The parent/guardian shall inform the school of the reason for all absences. When the absence is due to illness, the nature of the illness should be specifically stated.

Reasonable verification procedures shall be established for the release of students for medical or dental appointments.

**b. Warranted** – absences which are requested in writing **prior** to the absence, and approved by the principal/designee and qualify for one of the following reasons:

- 1) observance of religious holiday or ceremony
- 2) appearance in court
- 3) employment conference
- 4) funeral services for member of immediate family
- 5) Special circumstances approved at the discretion of the principal/designee.

A student absent from school for health or warranted reasons shall be allowed to complete all missed assignments and tests that can be reasonably provided and, upon satisfactory completion, shall be given full credit therefore. The teacher of any class from which a student is absent shall determine what assignments the student shall make up and in what period of time the student shall complete such assignments. The tests and assignments shall be equivalent to, but not necessarily identical to, the tests and assignments which the student missed during the absence.

Students shall not be excused from school to appear before public groups unless approval is given by the principal. Principals shall not excuse student absences

for out-of-school activities not related to school instruction. Principals shall have the option of excusing students for events when they believe them to be of educational value.

No student shall be sent home unless a parent/guardian has been apprised of the early dismissal.

**2. Unexcused Absences** – Absences which do not qualify above shall be considered in this category. While all students are expected to complete classroom assignments, no student shall be granted credit for make-up assignments nor may a student be permitted to make up tests for any unexcused absence.

**a. Cuts** – Absences without parent/guardian or school approval shall be marked as cuts. Students have two full days following their return to school to clear any cuts.

Consequences for cuts (per semester/per class):

1) **One, two, and three cuts** – Parents shall be notified via phone call for each absence and a letter identifying the student as truant shall also be sent home after the third cut.

2) **Four cuts** – Counselor or assistant principal shall talk with students to inform them that they will be dropped from the class after the fifth cut. Staff will make every effort to inform parents.

3) **Five cuts** – Upon teacher verification, the assistant principal shall drop the student from the class. In rare cases of serious extenuating circumstances, the teacher or administrator/designee may recommend to override the mandatory drop. The transcript may indicate no mark because of attendance (NA). Parents/guardians will be notified by letter and informed of their due process rights.

An IEP or Student Study Team meeting shall be convened for a student with an IEP or 504 Accommodation Plan prior to change of program.

**b. Other Absences** – Absences with parent/guardian approval that do not qualify above shall be in this category (ski trips, home but not sick, care for sibling, etc.).

Consequences for Excessive Unexcused Absences – If a student has excessive unexcused absences in more than one class or if the action to drop a student from a class will result in that student having fewer than five classes, the student shall be referred to the school site Attendance Review Committee or SARB for placement which could include, as determined to be appropriate by administrator/designee, a placement in one of the alternative programs.

An administrator/designee may determine that a student may be appropriately enrolled for fewer than five periods, e.g., a senior on track for graduation.

**3. Tardies** – Students arriving late to class shall be marked tardy, except with written permission (pass) from a staff member. Consequences for tardies shall be the responsibility of the classroom teacher. At the high school, the administrator/designee shall notify the student and the parents/guardians and inform them of their due process rights prior to dropping a student from class.

An IEP or Student Study Team meeting shall be convened for a student with an IEP or 504 Accommodation Plan prior to change of program.

**4. Released Time.** Students may, upon the written request of their parents or guardians, be excused from school in

# STUDENT ATTENDANCE

order to participate in religious exercises or to receive moral and religious instruction at their respective places of worship or at other suitable places.

(Education Code, Section 46014)

- 5. Keeping Students After School.** Each individual school shall define its procedure for keeping students after school for guidance or remedial instruction.

*Administrative Procedure:* The procedure for keeping students after school shall be communicated to parents and shall take into account the safety and welfare of the student.

- 6. Exemption.** Exemption is the release of students from required school attendance upon request of parents, guardians or school authorities for a stated period of time for reasons prescribed in the Education Code and policies of the Board of Education.

(Education Code, Sections 48221-48224)

*Administrative Procedure:* Request for exemption may be made by the parent/guardian, principal or member of the pupil personnel staff and shall be substantiated by competent medical authority or previously authorized by the Board, as qualified in the Education Code. The parent/guardian shall be consulted when the request is not initiated by him. All exemptions shall be reported to the principal, the Superintendent and the Board.

(Revised 4/99)

## OPEN CAMPUS: HIGH SCHOOL (E. C. 44808.5)

The governing board of the Palo Alto Unified School District, pursuant to Section 44805.5 of the Education Code permits the students enrolled at PAUSD high schools to leave the school grounds during the lunch period. Neither the school district nor any officer or employee thereof shall be liable for the conduct or safety of any student during such time as the pupil has left the school grounds pursuant to this section.

## UNAUTHORIZED PRESENCE ON ANOTHER CAMPUS

Students are to be present on the campus in which they are enrolled. Only in unusual and prearranged circumstances would students visit another campus in the school district during school hours.

When a student's presence is warranted on another campus, it will be the student's responsibility to register in the main office as a visitor.

## OPEN ENROLLMENT POLICY

The Palo Alto Unified School District recognizes that school choice can be an influential factor in individual student success. Therefore, we provide several enrollment options, including alternative schools within the District. Generally, students are assigned to the school closest to the family residence (neighborhood school). However, requests to attend other schools within the District will be accommodated on a space available basis. Factors such as racial/ethnic balances, enrollment balances and appropriate learning environment will be considered in placing students in schools outside their attendance area.

Parents shall submit an "Application for Intraresident Attendance Permit" to the Central Attendance Office **after January 1** for the following academic year. Pending the

determination of available space, the Central Office administrator will notify the parents regarding the action taken on their student's application. When more students apply for a school than there is space, a random-selection process will be used to determine which students will be admitted. Students not placed by the selection process will be placed on a numerically prioritized waiting list for their first choice school. The random-selection process will also establish the waiting list. Intradistrict requests that are denied may be appealed to the Director of Educational Support Services.

Students attending school in the Palo Alto Unified School District are classified as either residents or nonresidents.

Resident students are defined in the following ways:

1. Students living with parents or guardians who reside in the District.
2. Students on affidavits of residence and responsibility.
3. Students in licensed institutions or foster homes.
4. Foreign students enrolled in recognized foreign exchange programs.
5. Students assigned through the Voluntary Transfer Program.

Nonresident students who require special approval to attend are defined as:

1. Students who have qualified for interdistrict transfers who meet District criteria for enrollment.
2. Children of Palo Alto Unified School District contract employees (80% or more).

All students, regardless of category, will be required to provide proof of proper immunization, age, and physical examination as outlined in the administrative regulations. The Board will determine the total number of nonresident students to be accepted each year. Transfer applications must be submitted after January 1 for the following school year to the Central Attendance Office.

## TRUANCY (E. C. 48260)

Any pupil subject to compulsory full-time education or to compulsory continuation education who, without a valid excuse, is:

- (a) absent from school three full days in one school year;
- (b) tardy for more than any 30-minute period without a valid excuse on three occasions in one school year;
- (c) absent for more than any 30-minute period during the school day on three occasions in one school year or any combination thereof, is a truant and shall be reported to the attendance supervisor or the superintendent of the school district.

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

- (a) That the pupil is truant.
- (b) That the parent/guardian is obligated to compel the attendance of the pupil at school.
- (c) That parents/guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of part 27.
- (d) That alternative educational programs are available in the district.

## STUDENT ATTENDANCE

- (e) That the parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
- (f) That the pupil may be subject to prosecution under Section 48264.
- (g) That the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Section 13202.7 of the Vehicle Code.
- (h) That it is recommended that the parent/guardian accompany the pupil to school and attend classes with the pupil for one day.

The attendance supervisor/designee, a peace officer, a school administrator/designee, or a probation officer may arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time education or to compulsory continuation education found away from his or her home and who is absent from school without valid excuse within the county, city, or city and county, or school district (E. C. 48264).

A truant minor is subject to a progressive series of consequences, including: a written warning, after school or weekend study program, a truancy mediation program and/or be made a ward of the juvenile court, the latter of which could involve a fine and/or suspension or revocation of driving privileges (E.C. 48264.5).

# CONFIDENTIAL REPORTING

## CONFIDENTIALITY OF COUNSELING (E. C. 35301)

Any information of a personal nature disclosed by a pupil 12 years of age or older in the process of receiving counseling from a school counselor is confidential. Any information of personal nature disclosed to a school counselor by a parent or guardian of a pupil who is 12 years of age or older and who is in the process of receiving counseling from a school counselor is confidential. The information discussed during counseling shall not become part of the pupil's record without the written consent of the person who disclosed the information. The information discussed during counseling shall not be released, discussed, or referred to except in the following instances: (a) discussion with licensed physician, psychiatrist, psychologist, psychotherapist or other health care providers for the sole purpose of referring the pupil for treatment; (b) reporting of child abuse or neglect as required by the Penal Code; (c) reporting information to the principal or parents of the pupil when the school counselor has reasonable cause to believe that disclosure is necessary to avert clear and present danger to the health, safety or welfare of the pupil or the following other persons living in the school community: administrators, teachers, school staff, parents, pupils and other school community members; (d) reporting information to the principal, other persons inside the school (as necessary), the parents of the pupil and other persons outside the school when the pupil indicates that a crime, involving the likelihood of personal injury or significant or substantial property loss, will be or has been committed; and (e) reporting information to one or more persons specified in a written waiver, after this written waiver of confidence is read and signed by the pupil and preserved in the pupil's file.

A school counselor shall not disclose information deemed to be confidential pursuant to this section to the parents of the pupil when the school counselor has reasonable cause to believe that the disclosure would result in a clear and present danger to the health, safety or welfare of the pupil. A school counselor shall disclose information deemed to be confidential pursuant to this section to law enforcement agencies when ordered to do so by order of a court of law, to aid in the investigation of a crime, or when ordered to testify in any administrative or judicial

proceeding. This law does not limit the counselor from conferring with other staff, as appropriate, regarding modification of the pupil's academic program. It is the intent of the Legislature that counselors use the privilege of confidentiality under this section to assist the pupil whenever possible to communicate more effectively with parents, school staff and others.

Further, this legislation provides immunity from civil or criminal liability for counselors who honor the new legislation to keep information confidential. This bill was signed into law July 10, 1980 and amended January 1981.

## CHILD ABUSE

Section 1116 requires any child care custodian, medical practitioner, non-medical practitioner, or employee of a child protective agency who has knowledge of, or observes a child in his or her professional capacity, or within the scope of his/her employment whom he knows or reasonably suspects, has been a victim of child abuse to report the known or suspected instance of child abuse to a child protective or law enforcement agency immediately or as soon as possible. Each school district employee has been provided with a copy of the laws related to child abuse reporting and is expected to report any incident of suspected child abuse to the police department within 24 hours of the incident which caused the suspicion. In the United States, excessive corporal punishment is illegal. If you have any questions about what is considered to be excessive, please do not hesitate to talk to your school principal. Copies of the Palo Alto Unified School District's child abuse reporting procedures are available from site administrators upon request.

## CONFIDENTIAL MEDICAL INFORMATION (E. C. 46010.10)

School authorities may excuse a student from school for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian.

# SPECIAL EDUCATION, COMPLAINT PROCEDURES, AND PARENT / STUDENT RIGHTS: REHABILITATION ACT

## **STUDENTS WITH TEMPORARY DISABILITIES (E. C. 48206.3-48208)**

Students with a temporary disability which makes attendance in regular day classes or alternative education programs impossible or inadvisable shall receive individual instruction provided by the district. A student who is in a hospital or other residential health facility shall be deemed to have complied with the residency requirements for school attendance in the school district in which the hospital is located. It is the responsibility of the parent or guardian of the student to notify the school district of the student's presence in a qualifying hospital.

## **COMPLAINT PROCEDURE REGARDING COMPLIANCE WITH STATE AND FEDERAL PROGRAMS AND THE AMERICANS WITH DISABILITIES ACT**

Palo Alto Unified School District hereby informs all individuals, agencies and organizations of their right to file a complaint pursuant to the California Administrative Code of Federal Regulations regarding any alleged violation of federal or state law or regulation.

The Board of Education has adopted a set of uniform complaint procedures which prescribe the District's response to alleged unlawful discrimination of failure to comply with state and/or federal regulation. The Associate Superintendent for Educational Services (telephone: 329-3709) has been designated by the Board of Education as the compliance officer to receive and investigate complaints and to ensure district compliance with law.

## **PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT**

### **(Section 504 of the Rehabilitation Act of 1973)**

Congress passed Section 504 of the Rehabilitation Act in 1973. It is a Civil Rights statute designed to prevent discrimination against individuals with disabilities. It provides that: *No otherwise qualified individual with handicaps in the United States ... shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...*

(A description of students' specific rights granted by this law is available from Educational Services at 25 Churchill Avenue.)

## **SPECIAL EDUCATION**

Special Education programs are available to all eligible, disabled students, ages 0-22. If you have any reason to believe your child needs special education, please contact the Student Services Department at 25 Churchill Avenue.

# BOARD POLICIES – TOBACCO-FREE SCHOOL DISTRICT

## SEXUAL HARASSMENT: STUDENTS AND NON-DISCRIMINATION

### TOBACCO-FREE SCHOOL DISTRICT

The PAUSD Board of Education acknowledges its responsibility to provide a healthy and comfortable working environment for District students, staff and community members. Recognizing that education plays a central role in establishing patterns of behavior related to health, the Board shall continue to provide programs that alert students to the health hazards of tobacco use.

The Board is also concerned about the health of its employees and recognizes the importance of adult role modeling for students during formative years. Therefore, in conjunction with an existing curriculum which addresses tobacco-use prevention, the Board hereby establishes a policy which will provide a tobacco-free environment in which all, including visitors, can be healthy and comfortable.

Effective July 1, 1992, smoking and the use of tobacco products by all persons shall be prohibited on school district property. This shall include school buildings, grounds, school-owned vehicles and school-sponsored events off campus.

### SEXUAL HARASSMENT: STUDENTS

It is the policy of the Palo Alto Unified School District to provide a school environment free from all forms of harassment, including sexual harassment, and to maintain an environment in which all students and adults model this behavior and are treated with dignity and respect. Therefore, no student shall be subjected to sexual overtures or conduct, either verbal, visual or physical, which is intimidating, hostile, offensive, or unwelcome. Such conduct by adults or students is deemed unacceptable behavior and will not be tolerated by the school district.

For purposes of this policy, “sexual harassment” is defined for student-to-student interaction as unwelcome sexual advances, requests for sexual favors and other verbal, visual and physical conduct of a sexual nature. “Sexual harassment” is defined for adult-to-student interaction as any sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature. “Sexual harassment” is also defined as conduct of a sexual nature which affects an individual’s employment, academic status or progress; which has a negative impact on an individual’s work or academic performance; which creates a work or educational environment that is intimidating, hostile or offensive; or which affects benefits, services, honors, programs or activities available to an individual in the education setting.

The Board of Education considers sexual harassment a major offense. Violation of this policy will constitute cause for disciplinary action. Specific disciplinary action shall be related to the severity of the incident and/or the degree to which repeated incidents have occurred. Such disciplinary actions for employees may include but are not limited to verbal warnings, letters of reprimand, suspension with or without pay and dismissal, along with possible reporting to police if actions mandate. Such disciplinary actions for students may range from counseling to suspension or expulsion.

The Superintendent is directed to establish due process procedures which provide a person accused of sexual harassment the opportunity to respond to allegations and to provide an appropriate defense. The Superintendent is also

directed to develop administrative regulations which will ensure adequate communication of this policy to all students, parents and employees and to provide appropriate complaint and resolution procedures.

### ADMINISTRATIVE PROCEDURE:

- District Title IX Compliance Coordinator: The District identifies Cynthia Pino, Ed.D., Associate Superintendent, Educational Services, 25 Churchill Avenue, Palo Alto, California, 94306 (650/329-3709) as the Title IX Compliance Coordinator for the District. The Title IX Compliance Coordinator administers and oversees sexual harassment training for District students and staff, the sexual harassment complaint process, and student discipline.*
- Dissemination of Policy.** *In order to ensure that all students, employees and parents have knowledge of this policy and administrative procedure, the administration will:*
  - Include the Sexual Harassment Policy in the Board Policy Manual.*
  - Provide copies of the Sexual Harassment Policy to all students and parents.*
  - Provide appropriate inservice regarding the Sexual Harassment Policy for all administrators and supervisors.*
  - Encourage annual review of the Sexual Harassment Policy and administrative procedure as part of student and staff orientation activities.*
- Confidentiality.** *Every effort shall be made to protect the privacy of parties involved in any complaint. Files pertaining to complaints handled under this process are confidential and therefore will only be discussed on a need-to-know basis as a means of investigating and resolving the matter.*
- Retaliation.** *The district forbids retaliation against any person for filing a sexual harassment complaint or for participating in an investigation of a sexual harassment complaint.*
- Examples of Conduct Which May Be Considered Inappropriate:**
  - Verbal or written conduct:** *making derogatory comments, including epithets, slurs, jokes, etc.; sexual propositions; graphic commentary about an individual’s body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes or invitations; spreading sexual rumors.*
  - Visual conduct:** *leering; making sexual gestures; displaying sexually suggestive objects, pictures, books, magazines, posters or cartoons.*
  - Physical conduct:** *inappropriate touching or impeding one’s movement; assault.*
- Procedures for Complaints and Resolutions**
  - Step One** – *Students who feel aggrieved because of conduct that may constitute sexual harassment should directly inform the person engaging in such conduct that such conduct is offensive and must stop. If students do not feel comfortable doing this or are unable to do so, they shall make their concerns known to a school counselor, assistant principal, principal or another staff member at the site, who will inform the person that the offensive behavior must stop.*

# BOARD POLICIES – TOBACCO-FREE SCHOOL DISTRICT/ SEXUAL HARASSMENT: STUDENTS AND NON-DISCRIMINATION

- b. **Step Two** – *If actions taken by the student or school official do not cause the offensive behavior to cease or if the behavior is of a severe nature or if the offensive behavior is from adult to student, the school official shall immediately inform the principal, or if the situation demands, the principal's supervisor, who will within ten days, if possible, complete a thorough and impartial investigation. The principal/supervisor conducting the investigation shall interview the student complainant and the student allegedly engaging in offensive conduct separately. If first hand witnesses to the offensive conduct are identified by either of the parties, the person conducting the investigation should interview said witnesses. If the investigation confirms the allegations, prompt corrective actions shall be taken. The principal shall consult with the District Compliance Coordinator identified above about the allegations and the investigation prior to taking corrective action. If deemed appropriate by the principal, the students' parents/guardians shall be notified. At the completion of Step Two, the principal or the District Compliance Coordinator shall notify the student complainant of the status of his/her complaint and of his/her right to appeal the matter to Step Three. Because student discipline matters are confidential, the complainant shall not be informed as to the specific corrective action taken, if any.*
- c. **Step Three** – *If the complaint is not resolved in Step two, students may appeal to the Superintendent/designee by filing the complaint, the corrective action taken by the principal and any written response by the student in the Office of the Superintendent.*
- The superintendent or designee shall hear this appeal within ten (10) days of receipt of any written complaint and render a decision promptly.*
- Both parties shall be afforded a full and fair opportunity to present their side of the issue in a hearing with the Superintendent or designee. The decision of the Superintendent shall be final. At the completion of Step Three, the Superintendent/designee or the District Compliance Coordinator shall notify the student complainant of the decision. Because student discipline matters are confidential, the complainant shall not be informed as to the specific corrective action taken, if any.*

## NONDISCRIMINATION AND AFFIRMATIVE ACTION POLICY

### Philosophy

Palo Alto Unified School District policy assures that there will be no discrimination in employment and personnel practices. In addition, the Board of Education recognizes the value of providing all students and the community with the opportunity to interact with certificated and classified personnel who reflect the population of the San Francisco Bay Area.

In keeping with these beliefs, the Board of Education of the Palo Alto Unified School District reaffirms its policies of nondiscrimination affirmative action. The Board's affirmative action plan is a strong moral obligation and legal commitment to establish and implement programs that ensure fair and equal opportunities in all areas of employment.

The goals of this plan will be achieved by filling vacancies as attrition allows and as new positions are created. No layoff or involuntary transfer of those in present positions is recommended or anticipated by the adoption of this policy.

### Commitment

The Board of Education recognizes that its commitment involves two requirements: (1) nondiscrimination, and (2) affirmative action.

1. **Nondiscrimination.** The Board of Education of the Palo Alto Unified School District shall provide equal opportunities in all areas and assure that there will be no discrimination against any person on the grounds of race, religion, age, sex, national origin, color, disability, political belief, sexual orientation, or marital status.
2. **Affirmative Action.** The district shall promote an active, results-oriented affirmative action program based on the long-range goal of achieving a district work force composition that, at all levels and in all classifications, reflects the population of the San Francisco Bay Area. A cabinet level staff member shall have responsibility for implementation of the program.

In compliance with Title IX regulations (nondiscrimination on the basis of gender), the Palo Alto Unified School District reaffirms its policy as stated above. Cynthia Pino Ed.D., Associate Superintendent - Educational Services, has been designated as the Title IX Coordinator. Her office is located at 25 Churchill Avenue, and telephone number is 329-3709.

Title IX of the Civil Rights Act provides that "no person...shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal assistance."

[20 U.S.C. §1681(a)]

The Title IX Coordinator provides information about nondiscrimination policy and complaint procedures; ensures that appropriate training is provided on a frequent and regular basis; and monitors District actions in response to allegations of sexual harassment.

Student and employee complaints alleging any action which is prohibited by Title IX shall be communicated to the Associate Superintendent – Educational Services, who will see that the complaint is processed through existing district channels for resolution.

# MISCELLANEOUS PROVISIONS

## ALTERNATIVE SCHOOLS (E. C. 58500-58501)

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 designated 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/her desire to learn.
- 3) Maintain a learning situation maximizing student self-motivation and encouraging the student in his/her own time to follow his/her own interests. These interests may be conceived by the student totally and independently or may result in whole or in part from a presentation by teachers of choices of learning projects.
- 4) Maximize the opportunity for teachers, parents and students to develop cooperatively 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 react continuously to the changing world, including but not limited to the community in which the school is located.

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

The Palo Alto Unified School District maintains two alternative elementary schools – Hoover (grades K-5) and Ohlone (grades K-5). Enrollment is open to any student within the District. Parents or guardians interested in these programs should contact the schools directly for more information.

## MINIMUM COMPETENCY REQUIREMENTS

California law contains provisions which require districts to establish proficiency standards in reading, writing, and computation. It further requires that, starting with the 1981 school year, students must pass such minimum competency examinations in order to receive a diploma. Only students identified as learning disabled may be exempt from the minimum competency standards.

In 1978 the PAUSD Board of Education adopted a minimum competency policy for high school graduation which requires that students meet the adopted standards of proficiency in five areas: reading comprehension and vocabulary, reading and writing application; writing; math computation and math application. Students must be given at least three opportunities to demonstrate minimum competency, once in grades 7 through 9, and twice more in grades 10 and 11. The PAUSD provides at least one opportunity per year in grades 8 through 12 for students to demonstrate proficiency in the designated required areas. Students who are designated as learning disabled will be given proficiency tests based on differential standards. The differential standards are developed by and are part of the student's Individual Educational Plan.

Parents will be notified in writing of the student's progress with respect to passing PAUSD minimum competency examinations. Parents are advised that minimum competency tests do not establish ideal standards for Palo Alto; they satisfy the state requirements that a minimum level be established for graduation. Students who pass the minimum competency tests

will be expected to meet more demanding course requirements for graduation.

## STATE MANDATED TESTING WAIVERS

According to Education Code section 60615, if parents or guardians do not want their student to take all or part of the STAR, SABLE/2 or CAPA tests, they are required to submit a **written request** to the principal of their student's school. The principal must have this letter prior to the start of each test. Parents/guardians are required to specify the test(s) name in the letter. A waiver letter is also required for those students whose IEPs state that they are exempt from testing. No parent waivers are permitted for the California High School Exit Exam (CAHSEE).

## PARENT /GUARDIAN CONCERNS RE: SCHOOL DISTRICT EMPLOYEES

Concerns raised by parents/guardians about school district personnel should be resolved as quickly as possible. Therefore, parents or guardians of students in the PAUSD are urged to discuss their concerns directly with the employee(s) in question when concerns surface.

If the concern is not resolved with the employee(s) at this first level, the parent/guardian should then put the concern in writing and direct it to the employee's immediate supervisor, the principal at the elementary school, the instructional supervisor and the principal at the secondary level. The immediate supervisor shall give a copy of the document to the employee(s) and shall review the concern with the employee(s) to attempt a resolution of the matter. The district is unable to take formal action on expressions of concerns at this stage (second level) which are not put into writing.

If the concern is put into writing, the supervisor shall respond in writing within ten (10) working days of receipt of the document. The response shall be directed to the employee(s), the parent/guardian and, at the secondary level, to the principal, and shall state the proposed resolution.

If the resolution is unsatisfactory, the parent/guardian may request that the matter (including the initial document and the supervisor's response) be forwarded to the Superintendent or his/her designee. This request must also be in writing. The Superintendent or his/her designee shall respond in writing within twenty (20) working days after receipt of the written request (and documentation) to the parties with his/her resolution of the concern.

Appeals of the Superintendent's decision may be made to the Board of Education.

(Education Code, Section 35160.5) (10/84)  
(Revised 11/87; Reviewed 01/03)

## Administrative Procedure: Informal Level

Step One: Concerns/complaints against District personnel raised by a parent/guardian shall be resolved as quickly as possible. The first step in resolving all concerns/complaints shall be for the parent/guardian to meet with the employee to try to resolve the identified issue. It is expected that the majority of differences between a parent/guardian and an employee will be resolved at this first meeting.

Step Two: If concerns are not resolved with the employee at step one, the parent/guardian shall meet with the employee's immediate supervisor to try to resolve the identified issue. If no resolution is reached with the supervisor, the complaint may proceed to the formal level.

# MISCELLANEOUS PROVISIONS

## Formal Level

Step Three: The parent/guardian shall put the complaint in writing and submit it to the site principal. The principal shall investigate the concern/complaint and shall respond in writing within ten (10) working days of receipt of the written complaint lodged against a school employee by a parent/guardian.

Step Four: If the parent/guardian finds the principal's proposed resolution to be unsatisfactory, an appeal may be made to the superintendent's designee. The parent/guardian shall submit the written complaint and the principal's written response along with any relevant documentation to the superintendent's designee. The superintendent's designee shall respond in writing to the parent/guardian, the principal, and the employee within ten (10) working days.

Step Five: If the response of the superintendent's designee is unacceptable to the parent/guardian, an appeal may be submitted to the Superintendent who will respond in writing to the parent/guardian, the principal, and the employee within twenty (20) working days.

The decision of the Superintendent may be appealed to the Board of Education.

## STUDENTS' RIGHTS TO REFRAIN FROM HARMFUL OR DESTRUCTIVE USE OF ANIMALS

A 1989 California law gives students in kindergarten through grade twelve the right to refuse or refrain from participation in any educational project they feel would constitute the "harmful and destructive use of animals." The student shall notify his/her teacher of such objection and shall substantiate the objection by a note from his/her parent or guardian. The Education Code states that "if a student chooses to refrain from participation in an educational project involving the harmful or destructive use of animals, and if the teacher believes that an adequate alternative education project is possible, then the teacher may work with the student to develop and agree upon an alternate education project for the purpose of providing the student an alternate avenue for obtaining the knowledge, information, or experience required by the course of study in question."

## ACCIDENT/INJURY INSURANCE

The district does not provide insurance to cover student accidents or injuries while the student is at school, going to or from school, or while attending school-sponsored activities. Insurance for students may be purchased by parents/guardians through a separate program at your school (Ed. Code §49472).

## NUTRITION

Free or reduced price meals may be available, upon application, to students receiving public assistance. (Ed. Code §49510)

## AVAILABILITY OF U.S. SAVINGS BONDS (E. C. 48980)

United States Savings Bonds (series EE) are available from many banks and other financial institutions. The bonds may have special advantages for parents and students. See your financial institution or tax planner for advice.

## SCHOOL ACCOUNTABILITY

Each school is required annually to issue a School Accountability Report Card which shares with the community the programs and successes of the school including information about expenditures, discipline, attendance and student performance. This information is available upon request or on the Palo Alto Unified School District's web page at

<http://www.pausd.palo-alto.ca.us/community/about/sar.shtml>

(Ed. Code §§35256, 33126)

## COUNSELING REGARDING CAREERS NON-TRADITIONAL FOR PUPIL'S GENDER

Beginning in the 7<sup>th</sup> grade, counseling regarding course selection and career counseling shall include exploration of possible careers that are non-traditional for the pupil's gender. Parents/guardians shall be notified in advance of such counseling so that they may participate in the counseling and decisions (Ed. Code §§35256, 33126).

## INTERNET POLICY (E.C. 48980(i))

A copy of the Student Handbook, "A Guide to the Internet and District Information Systems for Grades K-5 and Grades 6-12," is available upon request from the school principal or on the Palo Alto Unified School district's web page at

[http://www.pausd.palo-alto.ca.us/parents/tech\\_docs/index.shtml](http://www.pausd.palo-alto.ca.us/parents/tech_docs/index.shtml)

The Acceptable Uses Agreement is located in each handbook.

## STOLEN, DAMAGED, OR VANDALIZED ARTICLES

The school is not responsible for stolen, damaged or vandalized personal property.

## APPEARANCE AND DRESS

Appearance and dress shall be clean and appropriate for school and shall not interfere with teaching and learning. Some schools have dress codes, which can be found in the individual school's student handbook.

## ASSISTANCE WITH ORAL TRANSLATIONS OF THIS DOCUMENT WILL BE MADE AVAILABLE IN KOREAN, SPANISH, MANDARIN, RUSSIAN AND JAPANESE BY CALLING JUDY NISHIYAMA (329-3717).