

APPENDIX A

Visitors/Outsiders

The Stanislaus County Board of Education believes that it is important for parents/guardians and community members to take an active interest in the issues affecting Stanislaus County Office of Education schools and students. Therefore, the Stanislaus County Board of Education encourages interested parents/guardians and community members to visit the schools and participate in the [educational program](#).

(cf. [1240](#) -Volunteer Assistance)

(cf. [5020](#) -Parent Rights and Responsibilities)

(cf. [6020](#) -Parent Involvement)

To ensure the safety of students and staff and minimize interruption of the instructional program, the Stanislaus County Superintendent of Schools or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during non-instructional time.

(cf. [6116](#) -Classroom Interruptions)

Any person who is not a student or staff member shall [register](#) immediately upon entering any school building or grounds when school is in session.

(cf. [1112](#) -Media Relations)

The principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises. No electronic listening or recording device may be used by any person in a classroom without the teacher and principal's permission. (Education Code [51512](#))

The County Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the County Office's complaint processes if they have concerns with any County Office program or employee. In accordance with Penal Code [626.7](#), the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.


(cf. [1312.1](#) -Complaints Concerning District Employees) (cf. [1312.2](#) -Complaints

Concerning Instructional Materials) (cf. [1312.3](#) -Uniform Complaint Procedures)

(cf. [1312.4](#) -Williams Uniform Complaint Procedures) (cf. [3515.2](#) -Disruptions)

APPENDIX B

SCOE Educational Options School Calendar 2017-2018

|  | | Tom Changnon, Superintendent 1100 H Street • Modesto, CA 95354 • (209) 238-1600 • FAX (209) 238-4226 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 2017-2018 EDUCATIONAL OPTIONS CALENDAR | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| July 2017 0 | M | T | W | TH | F | January 2018 17 | M | T | W | TH | F | <table border="1"> <thead> <tr> <th align="center" colspan="2">HOLIDAYS</th> </tr> </thead> <tbody> <tr> <td>Labor Day</td> <td>September 4</td> </tr> <tr> <td>Veterans Day</td> <td>November 10</td> </tr> <tr> <td>Thanksgiving Day</td> <td>November 23</td> </tr> <tr> <td>Local Holiday</td> <td>November 24</td> </tr> <tr> <td>Christmas Eve</td> <td>December 25</td> </tr> <tr> <td>Christmas Day</td> <td>December 26</td> </tr> <tr> <td>New Year's Eve</td> <td>January 1</td> </tr> <tr> <td>New Year's Day</td> <td>January 2</td> </tr> <tr> <td>Martin Luther King Jr. Day</td> <td>January 15</td> </tr> <tr> <td>President's Day</td> <td>February 19</td> </tr> <tr> <td>Memorial Day</td> <td>May 28</td> </tr> <tr> <td>Teachers/CSpvrs/RFD (Report for duty- RFD)</td> <td>*Aug 7</td> </tr> <tr> <td>C Trainers & Spec Ed Para's RFD</td> <td>**Aug 8</td> </tr> <tr> <td>Teachers/C Trainers last day Para's</td> <td>May 24</td> </tr> <tr> <td>School Starts</td> <td>Aug 9</td> </tr> <tr> <td>School Ends</td> <td>May 24</td> </tr> <tr> <td>Scheduled Non Work Days</td> <td>Sep 29 Nov 22 Feb 16</td> </tr> <tr> <td>District Staff Development 2nd/4th Mon 1:30 – 4:30 PM</td> <td></td> </tr> <tr> <td>Winter Recess</td> <td>Dec 21- Jan 5</td> </tr> <tr> <td>Spring Recess</td> <td>Mar 30-Apr 6</td> </tr> <tr> <td>ESY: Jun 1, 2018 -Jul 13, 2018 ED Opts/CBK ESY West Campus May 29-Jun 29, 2018 & Jul 2-Aug 3, 2018</td> <td></td> </tr> <tr> <td>Day of the Teacher</td> <td>May 8</td> </tr> <tr> <td>Classified School Employees' Week</td> <td>May 7-11</td> </tr> <tr> <td>National School Nurses' Day</td> <td>May 10</td> </tr> <tr> <td colspan="2">Additional copies of calendar are available online: http://www.stancoe.org/scoe/hr/hrCalendars/welcome.htm</td> </tr> </tbody> </table> | HOLIDAYS | | Labor Day | September 4 | Veterans Day | November 10 | Thanksgiving Day | November 23 | Local Holiday | November 24 | Christmas Eve | December 25 | Christmas Day | December 26 | New Year's Eve | January 1 | New Year's Day | January 2 | Martin Luther King Jr. Day | January 15 | President's Day | February 19 | Memorial Day | May 28 | Teachers/CSpvrs/RFD (Report for duty- RFD) | *Aug 7 | C Trainers & Spec Ed Para's RFD | **Aug 8 | Teachers/C Trainers last day Para's | May 24 | School Starts | Aug 9 | School Ends | May 24 | Scheduled Non Work Days | Sep 29 Nov 22 Feb 16 | District Staff Development 2 nd /4 th Mon 1:30 – 4:30 PM | | Winter Recess | Dec 21- Jan 5 | Spring Recess | Mar 30-Apr 6 | ESY: Jun 1, 2018 -Jul 13, 2018 ED Opts/CBK ESY West Campus May 29-Jun 29, 2018 & Jul 2-Aug 3, 2018 | | Day of the Teacher | May 8 | Classified School Employees' Week | May 7-11 | National School Nurses' Day | May 10 | Additional copies of calendar are available online: http://www.stancoe.org/scoe/hr/hrCalendars/welcome.htm | |
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| Labor Day | September 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Veterans Day | November 10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Thanksgiving Day | November 23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Local Holiday | November 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Christmas Eve | December 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Christmas Day | December 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| New Year's Eve | January 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| New Year's Day | January 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Martin Luther King Jr. Day | January 15 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| President's Day | February 19 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Memorial Day | May 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Teachers/CSpvrs/RFD (Report for duty- RFD) | *Aug 7 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| C Trainers & Spec Ed Para's RFD | **Aug 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Teachers/C Trainers last day Para's | May 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| School Starts | Aug 9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| School Ends | May 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Scheduled Non Work Days | Sep 29 Nov 22 Feb 16 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| District Staff Development 2 nd /4 th Mon 1:30 – 4:30 PM | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Winter Recess | Dec 21- Jan 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Spring Recess | Mar 30-Apr 6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Day of the Teacher | May 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Classified School Employees' Week | May 7-11 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| National School Nurses' Day | May 10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| August Teachers 19 Para's 18 Students 17 | M | T | W | TH | F | February 18 | M | T | W | TH | F | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| September 19 | M | T | W | TH | F | March 21 | M | T | W | TH | F | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| October 22 | M | T | W | TH | F | April 16 | M | T | W | TH | F | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| November 18 | M | T | W | TH | F | May 18 | M | T | W | TH | F | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| December 14 | M | T | W | TH | F | June 0 | M | T | W | TH | F | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

3.28.17

****Each Monday is an EARLY RELEASE DAY for District Staff Development****

*******STUDENTS are dismissed at 12:30 every MONDAY *******

Scheduled Non Work Days including Students are as follows;

September 29, 2017

November 22, 2017

February 16, 2018

APPENDIX C

[Stanislaus COE](#) | [5000](#) | AR 5123 Students

Promotion/Acceleration/Retention

Students shall be identified on the basis of either statewide assessment results or grades and other indicators of academic achievement, as established by County Office policy.

(cf. [5121](#) -Grades/Evaluation of Student Achievement)

(cf. [6162.5](#) -Student Assessment)

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code [48070.5](#))

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. (Education Code [48070.5](#))

(cf. [6177](#) -Summer School)

(cf. [6179](#) -Supplemental Instruction)

Students shall be considered for promotion and retention in specific subject areas and between certain grade levels:

- 1 Second grade and third grade in Reading,
- 2 Third grade and fourth grade in Reading.
- 3 Fourth grade and fifth grade in Reading, English Language Arts and Math,
- 4 The end of the intermediate grades and the beginning of middle school grades in Reading, English Language Arts and Math,
- 5 The end of middle school grades (8th grade) and the beginning of high school in Reading, English Language Arts, Math and U.S. Constitution.

When a student has more than one classroom teacher, the school shall determine which individual teacher shall be responsible for the promotion/retention decision. As early as possible in the school year and in students' school careers, the County Superintendent of Schools or designee shall identify students who should be retained and who are at risk of being retained in accordance with law, board policy, and administrative regulation. Progress toward high school graduation shall be based on the student's ability to pass the subjects and electives necessary to earn the required number of credits. The student must also meet the minimum proficiency requirements set by the County Board of Education. When high academic achievement is evident, the County Superintendent or designee may recommend a student for acceleration into a higher-grade level. The student's social and emotional growth shall be taken into consideration in making a determination to accelerate a student. Students shall be identified on the basis of grades and other indicators of academic achievement such as:

- Grade Requirement: 8th grade and 12 grade students who have maintained a "C" average in English, Social Studies, Science, and Math while in attendance at the Stanislaus County Office of Education (SCOE) Educational Options_Program_shall have completed_minimum proficiency requirements for graduation and promotion.

- Proficiency Requirements: Students graduating from middle school (8th grade) and high school (12th grade) must pass County Office of Education approved tests. Middle School students take examinations in Math, Reading, Language and the U.S. Constitution. High School students take CAHSEE.
- STAR: Standardized Testing and Reporting Program: Students are mandated to take the STAR test. If they meet grade level expectations in Reading, Math, and English/Language Arts, students shall have met the proficiency requirements and no further testing is required. Criteria for Consideration of Retention

Only test scores of students enrolled in a County Office program for one year or more will be reviewed and considered for promotion or retention. Several opportunities will be provided during the school year for students to demonstrate proficiency. Students shall be identified on the basis of current student achievement, grades and units earned (grade 9-12) and/or other local indicators including assessment on the STAR Test, the Test of Adult Basic Education, and the Comprehensive Test of Basic Skills.

The newly enrolled student's counselor shall provide an assessment of skills in the areas of Reading, English/Language Arts, Writing and Mathematics.

A student shall be assessed by the STAR test provided that the student is enrolled in the County Office's Educational Options Program during the annual administration of this test. Students shall be provided instruction in literacy, English/Language Arts and Mathematics while they are enrolled in Community School, Independent Study, Juvenile Hall, Charter Schools and Community Day School.

The County Office designated teacher may make a determination, and present in writing, that retention is not the appropriate intervention for the student and shall include specific recommendations for interventions other than retention, which in the opinion of the teacher are necessary to assist the student to attain acceptable levels of academic achievement. Administrative Regulation 5123 lists criteria used as a guideline to determine if a student should be retained.

The designated teacher's report will be discussed with the student, his/her parent/guardian, when available, and the County Office administrator or designee. When a student is recommended for retention or is identified as being at risk for retention, the County Superintendent or designee shall provide opportunities for intervention instruction first to students who may be retained and then to those identified as at risk to assist the student in overcoming his/her academic deficiencies. Such mandatory instruction may include but is not limited to:

- Summer school based on a minimum of four hours per day in class concentrating on Reading, English/Language Arts, and Mathematics.
- Summer school students will be pre-tested using TABE as the testing instrument at the time of enrollment. A post-TABE test will be used to determine student's proficiency rate prior to close of the summer program.
- Computer assisted software will be available through the computer lab with a lab supervisor to assist students in areas of academic deficiency.
- Tutorial services during the 180-day established school year.

In order to be promoted from a County Office summer school remediation/retention program to the next grade, the student must receive a grade of "C" or better in a class of the subject area that qualified him/her for retention.

Special education students' individual standards for promotion or retention are made as part of the IEP process. Students with disabilities who are in danger of retention based on lack of anticipated progress shall be referred to the IEP team for consideration of placement. The following guidelines will be used as academic criteria to determine if a student should be considered for retention.

In addition, the County Office's designated teacher may make a determination, and present in writing; that retention is not the appropriate intervention for the student and shall include specific recommendations for interventions other than retention, which in the opinion of the teacher are necessary to assist the student to attain acceptable levels of academic achievement.

MATH LANGUAGE ARTS

A. Proficiency Test Pass Fail Pass Fail 3 pts 0 pts 3 pts 0 pts

B. Subject Grade (A-D) (F) (A-D) (F) 5 pts 0 pts 5 pts 0 pts

C. SAT 9 Above 25% Below 25% Above 25% Below 25% 2 pts 0 pts 2 pts 0 pts 5 points or more in each area (Math or Language Arts) constitutes a promotion. 4 points or less in Math or

Language Arts the student will be considered for retention.

Student will have an opportunity to meet County Office academic criteria in a number of ways. A student will not be considered for retention if he/she earns five or more points in each area on the scale above. Regulation STANISLAUS COUNTY OFFICE OF EDUCATION

Approved: February 4, 2003 Modesto, California

Stanislaus COE | 1000 | AR 1312.4 Community Relations

APPENDIX D

STUDENT CONDUCT CODE

SCOE Educational Options students are expected to RESPECT THEMSELVES, OTHERS, AND THEIR PROPERTY. Therefore, students should be aware of possible consequences of their behavior. Disciplinary action taken by school officials is a direct consequence of unacceptable behavior by a student.

Students who become involved in areas of problem behavior will be subject to certain disciplinary actions. Depending upon the behavior problem of the student, one or more of the following actions, stated in this handbook, may be taken by school officials. The action taken will be according to the policies of the Alternative Programs, and state law which provide for a safe and secure school environment.

Rules and regulations are established to maintain an atmosphere conducive to learning. Students who fail to comply with these rules and regulations will be counseled, reprimanded, suspended, and/or arrested as the laws are applied.

The governing board of any school district shall prescribe rules not inconsistent with law or with the rules prescribed by the State Board of Education, for the government and discipline of the schools under its jurisdiction (E.C. 35291.5).

All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools (E.C. 48908 and CCR, Title 5, sec. 300).

Field trip or off-campus curricular activities are considered a part of the educational program. Participants/spectators carry responsibilities as representatives of their schools. All rules of student conduct apply.

Any governing board may enforce the provisions of California Education Code 35291 by suspending a pupil in any elementary or secondary school who refuses or neglects to obey any rules prescribed pursuant in that section (E.C. 48900, 48915).

This publication has been prepared and distributed to assist the school in informing all concerned persons of these policies (E.C. 35291.5).

Policy on Student Severance

The Stanislaus County Office of Education Educational Options program is a permissive program. This means there is no legal requirement to enroll a student or to continue the enrollment of any student who:

- violates the rules stated in the Student Conduct Code,
- fails to achieve/meet minimum program expectations,
- otherwise presents himself/herself as a negative influence upon the program's other students or staff.

Personal and Property Searches

It is the intent of the Stanislaus County Office of Education to provide students, staff, and parents with a safe, well organized campus and learning environment; to protect students from unnecessary risk; and to insure every person's right to privacy, protection of property, and due process of law. In order to promote a safe and orderly school environment, the Stanislaus County Office of Education contracts with a canine detection service in an effort to eliminate drugs, alcohol, and weapons on our campuses. A representative from the detection service and our school conduct periodic, random visits to classes to promote a positive learning environment.

SCOE maintains the right to search personal property of a student, including clothing, when there is reasonable suspicion that school rules are being violated and/or a threat to health and safety of students and staff exists. Students involved shall be informed, if possible, prior to the search and, when applicable, be present when the search takes place.

Information leading school officials to conduct a search and/or to seize property may be independent of law enforcement officials. However, searches involving law enforcement officials on school grounds shall require notification of a school official who may be present during the search. In instances where firearms and any controlled substances (drugs) are confiscated, the confiscated property shall be turned over to law enforcement officials. School personnel will be guided by policy and education code provisions in pursuing searches and legal action against students in possession of items such as weapons, explosives, drugs, and drug paraphernalia.

Parents shall be informed of evidence obtained through authorized search and seizure procedures conducted by the SCOE. Notification shall be made in a timely manner, and if law enforcement officials must be contacted, parent contact may occur either before or after notification of law enforcement officials. School personnel shall conduct all other searches in a private setting with appropriate witnesses. Any "pat down" search shall be done by a school official of the same sex as the student, always with an adult official present.

In the case of senior high school students with driving privileges and cars parked on/or adjacent to the campus, the same search and seizure procedures shall extend to these vehicles.

A STUDENT MAY BE SUBJECT TO DISMISSAL IF ANY OF THESE SITUATIONS ARE EVIDENT

General Information

1) (E.C. 48900) A pupil may not be suspended from school or recommended for expulsion unless the Superintendent or Program Administrator of the school in which the pupil is enrolled determines that the pupil has committed an act which is enumerated in this section and related to school activity or attendance which occur at any time, including, but not limited to, any of the following:

- a. while on the school grounds
- b. while going to or coming from school
- c. during, or while going to, or coming from, a school-sponsored activity

2) (E.C. 48915a) The Program Administrator or the County Superintendent of Schools shall recommend the expulsion of a pupil for an act which is enumerated in this section and related to school activity or attendance which occur at any time, including, but not limited to, any of the following:

- a. while on the school grounds.
- b. while going to or coming from school.
- c. during, or while going to, or coming from, a school sponsored activity.

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

(2) Possession of any knife or other dangerous object of no reasonable use to the pupil.

(3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.

(4) Robbery or extortion.

(5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

(b) Upon recommendation by the principal, superintendent of schools or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil committed an act listed in subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel shall be based on a finding of one or both of the following:

(1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

(2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

(1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.

(2) Brandishing a knife at another person.

(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

- (5) Possession of an explosive.
- (d) The governing board shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:
- (1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.
 - (2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
 - (3) Is not housed at the school site attended by the pupil at the time of suspension.
- (e) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:
- 1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - 2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
 - 3) A teacher may suspend any student from the teacher's class for any of the acts listed in the following pages for the day of the suspension and the day following. The Assistant Superintendent, Program Administrator, or designee may suspend a student from a school site for any of the acts listed in the following pages for not more than five consecutive school days.
 - 4) Students accumulating 20 days of in-school and/or home suspension are subject to involuntary transfer to another school.
 - 5) Disciplinary action will be taken if a student's behavior is disruptive to the instructional process or causes a danger to persons or property even though the offense is not defined in this Student Conduct Code.
 - 6) Students and parents have a right to appeal disciplinary action taken against a student. A meeting must be requested with the administrator/designee prior to any further appeal (E.C. 48914).
 - 7) Students may be suspended on the first offense if it is determined that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.

Behavior/Consequence

To Cause, Attempt to Cause, Threaten to Cause Serious Physical Injury...

E.C. 48900(a) (1): Cause, attempt to cause, threaten to cause physical injury to another person, or E.C. 48900(a) (2) and E.C. 48915(a) (1): Willfully use force or violence upon the person of another causing serious physical injury, except in self-defense.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

Note: Battery is any willful and unlawful use of force or violence upon the person of another. Assault is an unlawful attempt, coupled with a present liability, to commit a violent injury on the person of another.

To Attack, Assault, or Physically Threaten Any Employee of The Office of A County Superintendent Of Schools...

E.C. 48900 (a) (1), E.C. 48900(a) (2) and E.C. 48915(a) (5): Refer to definition above.

E.C. 44014(a): Whenever any employee of a school district or of the office of a county superintendent of schools is attacked, assaulted, or physically threatened by any pupil, it shall be the duty of the employee, and the duty of any person under whose direction or supervision the employee is employed in the public school system who has knowledge of the incident, to promptly report the incident to the appropriate law enforcement authorities of the county or city in which the incident occurred.

Minimum Action: Notification of appropriate law enforcement agency.

Maximum Action: Recommendation for severance.

To Possess, Sell, or Otherwise Furnish Any Firearm, Knife, Explosive, or Other Dangerous Object...

E.C. 48900(b), E.C. 48915(a)(2), E.C. 48915(c)(1), E.C. 48915(c)(2) and E.C. 48915(c)(5): Possess, sell, or otherwise furnish any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any such object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

Minimum Action: Notification of appropriate law enforcement agency.

Maximum Action: Recommendation for severance.

To Unlawfully Possess, Use, Sell or Otherwise Furnish, or Be Under The Influence of, Any Controlled Substance...

E.C. 48900(c), E.C. 48915(a)(3) and E.C. 48915(c)(3): Unlawfully possess, use, sell, or otherwise furnish, or be 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.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

To Unlawfully Offer, Arrange, or Negotiate To Sell Any Control Substance...

E.C. 48900(d): Unlawfully offer, arrange, or negotiate 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.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

To Commit or Attempt to Commit Robbery or Extortion...

E.C. 48900(e) and E.C. 48915(a) (4): Commit or attempt to commit robbery or extortion.

Minimum Action: Notification of appropriate law enforcement agency.

Maximum Action: Recommendation for severance.

Note: Extortion is the obtaining of property from another, without their consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right. (P.C. 518 Amend, states 1939, Ch. 601.) Fear, such as will constitute extortion, and may be induced by a threat, either:

- 1) To do an unlawful injury to the person or property of the individual threatened or of a third person; or,
- 2) To accuse the individual threatened, or any relative of his, or member of his family, of any crime; or,
- 3) To expose, or to impute to him or them any deformity, disgrace or crime; or,
- 4) To expose any secret affecting him or them. P.C. 519 Amend Stats, 1939, Ch. 60.)

To Cause or Attempt to Cause Damage to School Property...

E.C. 48900(f): Cause or attempt to cause damage to school property or private property.

Minimum Action: Notification of appropriate law enforcement agency.

Maximum Action: Recommendation for severance.

Note: Parent/guardian will be held responsible for damages to school district property. When the minor and parent are unable to pay for the damages, the school district shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages.

Parents or guardian of the student are also liable for the amount of a reward paid for information leading to the apprehension of person(s) causing damage. (E.C. 48904)

To Steal or Attempt to Steal School Property or Private Property...

E.C. 48900(g): Steal or attempt to steal school property or private property.

Minimum Action: Notification of appropriate law enforcement agency.

Maximum Action: Recommendation for severance.

To Possess or Use Tobacco...

E.C. 48900(h): Possess or use 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.

Minimum Action: Confiscation, warning to student, and parent contact.

Maximum Action: Recommendation for severance, and notification of appropriate law enforcement agency.

Note: Confiscated materials will be returned to the parents upon request. Confiscated materials will not be returned to students.

To Commit an Obscene Act...

E.C. 48900(i): Commit an obscene act or engage in habitual profanity or vulgarity.

Minimum Action: Parent conference.

Maximum Action: Recommendation for severance, and notification of appropriate law enforcement agency.

To Unlawfully Possess or Unlawfully Offer, Arrange, or Negotiate to Sell Any Drug Paraphernalia...

E.C. 48900(j): Unlawfully possess or unlawfully offer, arrange, or negotiate to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

To Disrupt School Activities or Otherwise Willfully Defy The Valid Authority of Supervisors, Teachers, and Administrators...

E.C. 48900(k): Disrupt school activities or otherwise willfully defy the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

To Fail to Identify Oneself...

Falls under E.C. 48900(k): To fail to identify oneself or give false information to school personnel.

Minimum Action: Warning to student.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

To Leave Campus...

Falls under E.C. 48900(k): To leave campus without proper authorization.

Minimum Action: Warning to student; and unexcused absence recorded.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

Forge, Falsify, Alter, or Use Forged School Correspondence, Passes, or Re-Admit Slips...

Falls under E.C. 48900(k): Forge, falsify, alter, or use forged school correspondence, passes, or readmit slips.

Minimum Action: Parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

To Gamble and Wager...

Falls under E.C. 48900(k): To gamble and wager, or habitually being present where gambling and wagering are taking place.

Minimum Action: Warning and/or parent notification.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

To Fire-Set or Attempt Fire-Setting...

Falls under E.C. 48900(k): To fire-set or attempt to fire-set including the activation of false alarms or tampering with emergency equipment.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

Note: Fire-setting is never considered to be a prank. Restitution for damages is the responsibility of the parent/student. When the minor and parent are unable to pay for the damages, the school district shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages (E.C. 48904). Law enforcement agencies will be notified when appropriate.

To Loiter on or About Any Campus...

Falls under E.C. 48900(k): To loiter on or about any campus without apparent lawful purpose.

Minimum Action: Warning to student.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

Note: A student may be subject to arrest according to Penal Code 653G if he/she loiters at or near any school or public place at or near where students attend or normally congregate, or reenters or comes upon such school or place after being asked to leave by a school official. According to P.C. 653G, punishment for loitering includes a fine not to exceed \$1,000 and/or imprisonment in the county jail not to exceed 6 months.

To Exhibit Any Dress, Grooming, or Appearance...

Falls under E.C. 48900(k): To exhibit any dress, grooming, or appearance which disrupts, or tends to disrupt, the education process, or affects the health or safety of individuals shall be prohibited.

Minimum Action: Parent conference/improve clothing.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

SEE APPENDIX D

Note: Any attire/paraphernalia/symbol that signifies gang affiliation will not be allowed on campus. Any attire/paraphernalia/symbol that displays a logo or other message relating to alcohol, tobacco, drugs, or gangs, may not be worn on campus or at school related activities. This includes, but is not limited to, gang affiliated colors in clothing and accessories.

To Possess Any Disruptive Items...

Falls under E.C. 48900(k): To possess any disruptive items (i.e. radios, tape players, skateboards, or other items a school administrator identifies as disruptive), unless in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

Minimum Action: Confiscation of object.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

Note: Confiscated materials will be returned to the parents upon request. Confiscated materials will not be returned to students.

To Use Any Electronic Signaling Devices...

E.C. 48900(k); E.C. 48901.5: The SCOE allows students to possess and use electronic signaling and communication devices while on campus before school and after school. All electronic signaling and communication devices will be in the off mode and out of sight throughout instructional time, school activities and the nutrition period. Students are not permitted to use and/or possess a cellular phone, PDA (personal digital assistant), or any other type of electronic signaling/portable communication device with photographic capabilities on campus at any time.

Minimum Action: Warning to student and confiscation.

Maximum Action: Recommendation for severance, notification of appropriate law

To Knowingly Receive Stolen Property...

E.C. 48900(l): Knowingly receive stolen school property or private property.

Minimum Action: Parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency

To Possess, an Imitation Firearm...

E.C. 48900(m): Possess an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is as substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, and notification of appropriate law enforcement agency.

Note: Toy guns are considered objects of a dangerous nature (Penal Code 12020, AB 4546 P.C. 417.2).

To Commit, or Attempt to Commit a Sexual Assault...

E.C. 48900(n) and E.C. 48915(c)(4): Commit or attempt 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.

Minimum Action: Warning and/or parent contact

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency

To Harass, Threaten, or Intimidate a Pupil...

E.C. 48900(o): Harass, threaten, or intimidate 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.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency

To Unlawfully Offer, Arrange, or Negotiate to Sell the Prescription Drug Soma...

E.C. 48900(p): Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

To Engage, or Attempt to Engage in Hazing...

E.C. 48900(q): Engaged in, or attempted to engage in, hazing as defined in Section 32050.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

To Engage in an Act of Bullying...

E.C. 48900(r): Bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

Note: Electronic act means the transmission of a communication, including, but not necessarily limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not necessarily limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

Bullying means one or more acts by a student or group of students that constitute sexual harassment pursuant to Education Code 48900.2; hate violence pursuant to Education Code 48900.3; or harassment, threats, or intimidation pursuant to Education Code 48900.4.

To Aid, or Abet the Infliction of Physical Injury...

E.C. 48900(s): A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aide and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

Note: Battery is any will and unlawful use of force or violence upon the person of another. Assault is an unlawful attempt, coupled with a present liability, to commit a violent injury on the person of another

To Commit, Sexual Harassment...

E.C. 48900.2: Commit sexual harassment as defined in Section 212.5. This section does not apply to pupils in grades K-3.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

To Cause, Attempt to Cause, Threaten to Cause, or Participate in an act of, Hate Violence...

E.C. 48900.3: Cause, attempt to cause, threaten to cause, or participate in an act of, hate violence, as defined in subdivision (e) of Section 33032.5.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

To Intentionally Engage in Harassment, Threats, or Intimidation, Directed Against a Pupil...

E.C. 48900.4: Intentionally engage 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 class work, creating substantial disorder, and invading the rights of that pupil or group of pupils by creating an intimidating or hostile educational environment.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

To Make Terrorist Threats, Against School Officials or School Property...

E.C. 48900.7: A pupil may be suspended from school if the superintendent or school administrator of the school in which the pupil is enrolled determines that the pupil has made terrorist threats against school officials or school property, or both.

Minimum Action: Warning and/or parent contact.

Maximum Action: Recommendation for severance, notification of appropriate law enforcement agency.

NOTE: While all reasonable effort will be made to locate missing or stolen personal property (including cellphones and I-pods) on campus, **SCOE is not responsible for stolen or lost items.**

During Suspension...

- 1) The student is expected to be under the supervision of a parent during school hours when serving suspension days at home (7:30 am - 2:30 pm). The student shall not appear on or about any school during the period of suspension, except in the case of in-school suspensions, unless coming to the office on official business with the parent/guardian and by prior arrangement with a school administrator.
- 2) Student is not to attend any school-sponsored event on or off any school campus during suspension. This is extended to include weekend and holiday activities, and would include, but not be limited to, field trips, athletic events, theater events, proms, dances, and band events.
- 3) If a student's suspension enters in to an off session period, the consequences and restitution will be determined by an administrator.
- 4) Violation of suspension rules may result in a minimum consequence of a warning and a maximum consequence of a referral to the appropriate law enforcement agency.
- 5) The teacher may require the suspended student to complete any assignments and tests missed during the suspension.
- 6) Instead of disciplinary action prescribed by this article, the Superintendent, Program Administrator or designee, may require a pupil to perform community service on school grounds during non-school hours. For the purposes of this section "community service" may include, but is not limited to, work performed on school grounds in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs.

STUDENT DRESS AND BEHAVIOR STANDARDS

The following Student Dress and Behavior Standards helps provide a learning environment that will openly prepare our students for their return to comprehensive school and/or realistic work experience. **These standards apply to both classroom and Independent Study students.** Students are expected to dress appropriately for school. Clothing should be clean, presentable in appearance, and not detract from the educational purposes of the school.

Any student who does not adhere to the following guidelines will be expected to correct the problem and/or is subject to disciplinary consequences.

1. ***NO RED OR BLUE OR ANY SHADE OF RED OR BLUE WILL BE ALLOWED TO BE WORN ON CAMPUS EXCEPT BLUE JEANS. Red or blue shoes and/or laces are strictly forbidden at all times.***
2. Students may not wear head covering during school hours; this including hats, caps, beanies, hairnets, etc. Hoods and knit caps may be worn during cold weather.
3. No Clothing and jewelry that contain any references to tobacco, sexual practice or products, alcohol, drug, or gang-related logo/lettering.
4. No clothing may be worn that is distracting to students and disruptive to the learning environment, such as spaghetti strap tops, low cut tops, shorts above the knee more than 7", dirty and/or smelly clothes, and holes in clothing. Bare midriffs are not permitted. All tops must hang below the waist level or be tucked in.
5. Trousers are to be worn at waist level – **NO BAGGIES / SAGGING**. Both pant legs must be down. Underwear, including pajamas, NOT to be seen.
6. **NO TANK TOP UNDERSHIRTS OR ANY INAPPROPRIATE SHIRTS** – Example: Thizz Nation (ecstasy), Mack Dre, Hyphy, South Pole, NorCal, Snitches – any directional shirt.
7. **NO GLOVES** – Leather or Batting
8. **NO CHAINS** – Such as belt or wallet, etc.
9. **NO "RAGS", CLOTHS, TOWELS, T-SHIRTS** – Of any color around the neck.
10. **NO SOUTH SIDE, NORTH SIDE, EAST SIDE, WEST SIDE ON ANY CLOTHING.**
11. **NO TALL T'S OR TALL T-SHIRTS** – Must be tucked in pants. T-Shirts cannot be longer than the tips of the fingers with your arms at your sides.

12. Belts cannot hang below shirt level. No canvas belts will be allowed. **IF WORN, BELT WILL NOT BE RETURNED TO THE STUDENT.** Belt buckles cannot have any alphabet letters or gang related or drug/alcohol signs. No punched out belt buckles.

CONSEQUENCES FOR DRESS STANDARDS NUMBER 1 THRU 12 ARE:

- 1ST OFFENSE:** WARNING DOCUMENTATION: Maybe sent home for change of clothes, or 1 day suspension for gang related violations.
- 2ND OFFENSE:** 1 DAY SUSPENSION OR ALTERNATIVE CONSEQUENCE: Gang related violation – 3 day suspension.
- 3RD OFFENSE:** 3 DAY SUSPENSION OR ALTERNATIVE CONSEQUENCE: Gang related violation – 5 day suspension.

13. No electronic signaling devices, such as cell phones, pagers, etc., are to be used at school or left on during school hours.

CONSEQUENCES FOR STANDARD NUMBER 13 ARE:

- 1ST OFFENSE:** Head gear/electronic devices turned in to office and picked up at end of school day.
- 2ND OFFENSE:** Head gear/electronic devices turned in to office and ONLY PARENT/GUARDIAN can pick it up.
- 3RD OFFENSE:** Head gear/electronic devices turned in to office and kept until the end of school year.

Continued offense(s) will result in suspension, work detail, or other appropriate action.

OTHER SCHOOL STANDARDS:

14. Phone usage by students is limited to **EMERGENCIES ONLY**. All students must make transportation arrangements prior to coming to school each day.
15. Students are to use the drinking fountains located on campus – not in the Principal's office.
16. There are no visitors or children of students allowed on campus or in the classroom without permission of principal or Independent Study Teacher.
17. Public display of affection is not allowed.
18. **OTHER PROHIBITED OBJECTS –**
- a. FELT-TIPPED PENS – That are permanent markers
 - b. GLASS BOTTLES OR CONTAINERS

Student Success Team (SST)

SST meetings are held for students and attended by parents, teachers, counselors, directors, and other significant representatives, for the purpose of creating the best educational behavioral plan for the student. This process of intervention focuses on an individual student's academic and behavioral progress through communication among all parties.

It is noted by your signature on the Acknowledgement of Parent or Guardian of Annual Rights Notification form, (the last page of this handbook) that you, as a parent/guardian, have read and understand the Student Conduct Code.

All students are responsible for all sections of the Student Conduct Code as stated in this document as well as any site specific (SMA/TCA) program requirements.

APPENDIX E

[Stanislaus COE](#) | [5000](#) | BP 5145.7 5145.7 Students

Sexual Harassment

The County Office of Education is committed to maintaining a learning environment that is free from harassment. The County Office prohibits sexual harassment of any student by any employee, student, or other person at school-sponsored or at any school-related activity. The County Office also prohibits retaliatory behavior or action against any person who complains, testifies, assists or otherwise participates in the complaint process established in accordance with this policy.

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account. Such circumstances shall include but are not limited to:

1. Age and maturity of the victim and the perpetrator
2. Pervasiveness of the alleged harassing conduct (i.e., how many times the act(s) occurred, how many individuals were involved, etc.)
3. Prior complaints against the perpetrator

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender
2. A clear message that students do not have to endure sexual harassment. Students should be encouraged to report observed instances of sexual harassment, even where the victim of the harassment has not complained
3. Information about the person(s) to whom a report of sexual harassment should be made.

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact a school employee. A school employee to whom a complaint is made shall, within 24 hours of his/her getting the complaint, report it to the principal or designee. Any school employee who observes any incident of sexual harassment on any student shall similarly report his/her observation to the principal or designee, whether or not the victim makes a complaint. If the alleged harasser is the principal or designee, the employee may report the complaint or his/her observation of the incident to the County Superintendent or designee who shall investigate the complaint.

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

The County Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the County Office to monitor, address and prevent repetitive harassing behavior in its schools.

Information gathered in the course of investigating a sexual harassment complaint shall be kept confidential to the extent possible.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex 48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct 48980

Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships 1714.1 Liability of parents/guardians for willful misconduct of minor UNITED STATES CODE, TITLE 20 1681-1688 Title IX, Discrimination UNITED STATES CODE, TITLE 42 2001d-2001d-7 Title VI, Civil Rights Act of 1964 2001e-2001e-17 Title VII, Civil Rights Act of 1964 as amended CODE OF FEDERAL REGULATIONS, TITLE 34 106.1-106.71 Nondiscrimination on the basis of sex in education programs COURT DECISIONS Davis v. Monroe County Board of Education (1999) No. 97-843, 1999 U.S. Lexis 3452, --U.S.--Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989 Nabozny v. Podlesny (1996, 7th Cir.) 92 F.3d 446 Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447 Oona R.-S. etc. v. Santa Rosa City Schools et al (1995) 890 F.Supp. 1452 Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143 Clyde K. v. Puyallup School District #3 (1994) 35 F.3d 1396 Patricia H. v. Berkeley Unified School District (1993) 830 F.Supp. 1288 Franklin v. Gwinnet County Schools (1992) 112 S. Ct. 1028 Kelson v. City of Springfield, Oregon (1985, 9th Cir.) 767 F.2d 651 Management Resources: OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999 OFFICE OF CIVIL RIGHTS Sexual Harassment Guidance, 62 FR 49, 1997 WEB SITES OCR: <http://www.ed.gov/offices/OCR>

Policy STANISLAUS COUNTY OFFICE OF EDUCATION adopted: February 4, 2003 Modesto, California

APPENDIX F

Williams Uniform Complaint Procedures

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code [42605](#) grants districts flexibility in "Tier 3" categorical programs. The Stanislaus County Office of Education has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

Types of Complaints

The Stanislaus County Board of Education shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code [35186](#); 5 CCR [4681](#), [4682](#), [4683](#))

1. Textbooks and instructional materials

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

(cf. [6161.1](#) -Selection and Evaluation of Instructional Materials)

2. Teacher vacancy or misassignment

- a. A semester begins and a teacher vacancy exists.
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.

(cf. [4112.22](#) -Staff Teaching Students of Limited English Proficiency)

- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency. Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code [35186](#); 5 CCR [4600](#)) Beginning of the year or semester means the first day classes necessary to serve all the pupils enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day pupils attend classes for that semester. (5 CCR [4600](#)) Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code [35186](#); 5 CCR [4600](#))

(cf. [4112.2](#) -Certification)

(cf. [4113](#) -Assignment)

3. Facilities

- a. A condition poses an emergency or urgent threat to the health or safety of pupils or staff. Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code [17592.72](#))
- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code [35292.5](#).

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

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

4. High school exit examination intensive instruction and services

A pupil, including an English learner, who has not passed the exit exam by the end of grade 12 was not provided the opportunity to receive intensive instruction and services pursuant to Education Code [37254](#)(d)(4) and (5) after completion of grade 12 for two consecutive academic years or until the pupil has passed both parts of the exam, whichever comes first. (Education Code [35186](#))

(cf. [6162.52](#) -High School Exit Examination)

(cf. [6179](#) -Supplemental Instruction)

Filing of Complaint

A complaint alleging any condition(s) specified in items #1-3 in the section entitled "Types of Complaints" above shall be filed with the program administrator or designee. The program administrator or designee shall forward a complaint about problems beyond his/her authority to the County Office, Human Resources Division in a timely manner, but not to exceed 10 working days. (Education Code [35186](#); 5 CCR [4680](#)) A complaint alleging any deficiency specified in item #4 in the section entitled "Types of Complaints" above shall be filed with a County Office official designated by the Stanislaus County Superintendent of Schools. Such complaints may be filed at the County Office or school site and shall be immediately forwarded to the County Superintendent or designee. (Education Code 35186)

Investigation and Response

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

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

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and

in the primary language in which the complaint was filed. (Education Code 35186)

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

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3a in the section entitled "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the program administrator or County Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the County Office's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

(cf. 1340 -Access to District Records)

Reports

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

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

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

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

Legal Reference:

EDUCATION CODE

1240 County superintendent of schools, duties 17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account 33126 School accountability report card 35186 Williams uniform complaint procedure 35292.5 Restrooms, maintenance and cleanliness 37254 Supplemental instruction based on failure to pass exit exam by end of grade 12 48985 Notice to parents in language other than English 60119 Hearing on sufficiency of instructional materials CODE OF REGULATIONS, TITLE 5 4600-4687 Uniform complaint procedures, especially: 4680-4687 Williams complaints

Management Resources:

WEB SITES

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

California County Superintendents Educational Services Association: <http://www.ccsesa.org> California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp> State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

approved: October 29, 2011 November 2010



Tom Changnon, Superintendent

1100 H Street • Modesto, CA 95354 • (209) 238-1700 • FAX (209) 238-4201

**ANNUAL NOTIFICATION OF
THE UNIFORM COMPLAINT PROCEDURES (UCP)**

For students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties

The *Stanislaus County Office of Education* has the primary responsibility to insure compliance with applicable state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination and complaints alleging violation of state or federal laws governing educational programs.

The *Stanislaus County Office of Education* shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by our local board. Unlawful discrimination complaints may be based on actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity that receives or benefits from state financial assistance. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in Consolidated Categorical Aid Programs, Migrant Education, Career Technical And Technical Education And Training Programs, Child Care And Developmental Programs, Child Nutrition Programs, Special Education Programs, and Safety Planning Requirements.

Complaints must be filed in writing with the following compliance officer:

Name and/or Title of Compliance Officer: Barbara Tanner, Human Resources

Address: Stanislaus County Office of Education, 1100 H Street, Modesto, CA 95354

Telephone Number: (209) 238-1600

Complaints alleging discrimination must be filed within six (6) months from the date the alleged discrimination occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, unless the time for filing is extended by the superintendent or his or her designee.

Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. The LEA person responsible for investigating the complaint shall conduct and complete the investigation in accordance with sections 4680-4687 and in accordance with local procedures adopted under section 4621.

The complainant has a right to appeal the LEA's Decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving the LEA's Decision. The appeal must include a copy of the complaint filed with the LEA and a copy of the LEA's Decision.

Civil law remedies may be available under state or federal discrimination laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of the LEA's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

A copy of the *Stanislaus County Office of Education's* UCP policy and complaint procedures shall be available free of charge.

Notice to Parents, Guardians, Pupils, and Teachers Complaint Rights

Williams Complaints notice.

Parents, Guardians, Pupils, and Teachers:

Pursuant to California *Education Code* Section 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

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

4. A complaint form may be obtained at the school office, district office, or downloaded from the school's Web site at www.stancoe.org. You may also download a copy of the California Department of Education complaint form from the following Web site: <http://www.cde.ca.gov/re/cp/uc/>.

August, 2007

APPENDIX G

PESTICIDE USE

Notice to all students, parents/guardians and employees of the Stanislaus County Office of Education, Educational Options.

The Healthy Schools Act of 2000 requires all California school districts and child day care centers to notify parents and guardians of pesticides that they expect will be applied during the upcoming year. The Stanislaus County Office of Education would like to notify you that the following pesticides may be used at your school or child day care center this year:

| <u>Name of Pesticide Product</u> | <u>Active Ingredients</u> |
|----------------------------------|--|
| • Round-up Pro (EPA 524-475) | Glyphosate |
| • Round-up ProMax (EPA 524-579) | Glyphosate |
| • Tengard (EPA 70506-6) | Permethrin |
| • Termidor (EPA 7969-210) | Fipronil |
| • Evergreen (EPA 1021-2560) | Pyrethrum |
| • Essentria IC3 (EPA Exempt) | Rosemary oil, Geraniol, Peppermint oil |
| • Maxxthor (EPA 81824-5) | Bifenthrin |
| • Onslaught (EPA 1021-1815) | Cyano methyl |
| • Phantom (EPA 241-392) | Chlorfenapyr |
| • PT Wasp Freeze (EPA 499-362) | d-trans Allethrin/Phenothrin |
| • Suspend (EPA 432-763) | Deltamethrin |
| • Terro Ant Bait (149-8-64405) | Borax |

You can find more information regarding these pesticides and pesticide use reduction at the Department of Pesticide Regulation's School IPM web site <http://www.schoolipm.info>

Other questions may be directed to the Stanislaus County Office of Education's IPM Coordinator at (209)238-1910

Stanislaus County Office of Education – Educational Options

ACKNOWLEDGEMENT OF PARENT OR GUARDIAN OF ANNUAL RIGHTS NOTIFICATION

Detach, sign, and return this page to your child's school indicating you have received the Parent Notice of Rights and Responsibilities. Also, where specified on this page, indicate whether you have a child on continuing medication and if you do not wish directory information to be released.

Student's Name: _____

School: _____ Grade: _____

Student is on a continuing medication program: (Please check one) YES ___ NO___

If YES, you have my permission to contact student's physician:

Physician's Name: _____ Telephone: _____

Medication: _____ Dosage: _____

Medication: _____ Dosage: _____

If you do not wish directory information released, please sign where indicated below and return to the school office within the next 30 days. Note that this will prohibit the District from providing the student's name and other information to the news media, interested schools, parent-teacher associations, interested employers, and similar parties.

Do NOT release directory information regarding _____
(Pupil's Name)

Check if an exception may be made to include student information and photos in the yearbook.

I hereby acknowledge receipt of information regarding my rights, responsibilities, and protections.

Signature of Parent or Guardian: _____ Date: _____