



San Mateo Union High School District  
650 North Delaware Street - San Mateo, CA 94401

## Notification of Parent/Guardian Annual Rights and Responsibilities

The San Mateo Union High School District hereby provides the annual notification of the rights and responsibilities of the parent/guardian. State and federal law requires that parents be notified of their rights and responsibilities in certain matters pertaining to their children's education. Copies of all procedures described in this notification are available free of charge. If you wish further information on these or any other subjects, please contact the Principal at your student's school or the District Office.

### Interpreter Service

The Student Services Office provides on-site interpreting services for Spanish and Chinese (Mandarin) speakers. Limited English Proficient ("LEP") parent/guardians speaking languages other than Spanish and Mandarin Chinese will be provided language assistance services by the Student Services Office. Please contact: Don Scatena, Director of Student Services, at [enrollment@smuhdsd.org](mailto:enrollment@smuhdsd.org) if you need assistance regarding enrollment and school assignment matters.

## Table of Contents

- I. [School Safety and Discipline](#)
- II. [Residency/Attendance](#)
- III. [Instruction and Testing](#)
- IV. [Student Records](#)
- V. [Health](#)
- VI. [Non-Discrimination and Equity](#)
- VII. [Students with Disabilities](#)
- VIII. [Miscellaneous](#)
- IX. [Complaints](#)
- X. [Board Policies and Attachments](#)

## I. School Safety and Discipline

### Hate-Motivated Incidents, Crimes and Hate Speech

The District is committed to providing a safe learning and working environment that is free from discrimination and harassment. The District will not tolerate hate-motivated incidents or crimes based on race, color, national origin, religion, disability, sex, sexual orientation, gender identity, or retaliation in any form for reporting such incidents/crimes.

### Definitions

**Hate-Motivated Incident:** A "hate-motivated incident" means an act or attempted act which constitutes an expression of hostility against a person, property, or institution because of the target's real or perceived race, color, national origin, nationality, religion, disability, sex, sexual orientation, or gender-identity. This may include using bigoted insults, taunts, or slurs, distributing or posting hate group literature or posters, defacing, removing, or destroying posted materials or announcements, posting or circulating demeaning jokes or leaflets, or sending

insulting or threatening messages by phone, e-mail, Web sites, or any other electronic or written communication. This includes anonymous acts.

**Hate Motivated Crime:** A “hate-motivated crime” means a “hate-motivated incident” that has been investigated by law enforcement and determined to be criminal in nature and a violation of the law. This includes any criminal action.

### **Prevention and Education**

- Education: students will receive annual trainings about hate crimes, hate incidents, hate speech, the duty to report incidents, anonymous reporting, and the follow up that will occur if an incident is reported.
- New Ethnic Studies course: all freshman now have this course as a graduation requirement.
- Specific staff have received hate incident prevention and intervention training for 2020
- The District’s [Dress Code Policy](#) and [Administrative Regulations](#) prohibit students from wearing clothing with hate speech.
- School administrators and/or teachers will meet with small, diverse groups of students to understand from their perspective, the school climate and incidents of hate that may go unnoticed by, and/or unreported to, teachers and staff.

### **Immediate Responses to Hate-Motivated Incidents/Crimes**

All staff should:

- Intervene immediately
- Ensure the safety of the target
- Contact the Director of Student Services who will inform the Superintendent and engage the Manager of Communications if a staff member is involved
- Contact the Deputy Superintendent of Human Resources and Student Services (Title IX Coordinator) with all incidents related to Title IX.
- Investigate to gain an understanding of the situation
- Consult with local law enforcement
- Denounce the act
- Communicate – provide accurate information and dispel misinformation, inform victims, inform the community, and report the corrective measures being taken to restore the community that was harmed by the incident.
- Work with the media (as needed)

### **Responding After the Incident**

- Support targeted students
- Seek restorative justice
- Determine what further communications are needed to promote healing
- Move forward with appropriate disciplinary action
- Determine if additional follow-up staff development and/or student education activities are necessary

### **Student Responsibilities**

- Students share a responsibility for creating a safe school environment and they can do that by treating others with mutual respect and acceptance, and by being sensitive as to how others might perceive their actions and/or words.
- Students are not to engage in, or contribute to, hate-motivated behaviors, actions, or words.

- In cases where they may be a witness to, or a target of, a hate-motivated incident/crime, students have a responsibility to report such an incident to the site administrator.
- Students are never to engage in retaliatory behavior, or ask, encourage, or consent to anyone's taking retaliatory actions on their behalf.

### **Anonymous Reporting**

The District's [Anonymous Alert System](#) is available for students, parents/guardians, and staff to report all safety concerns, including hate-related incidents. Reports may be made anonymously.

For more information, the District's Policy Bulletin on Responding to and Reporting Hate-Motivated Incidents and Crimes can be [found online](#). The District's Board Policy on Hate Motivated Behavior can be found online: [BP 5145.9](#). These documents will also be made available in other languages, upon request.

### **Notice of Internet Policy**

[Board Policy 6163.4 Student Use of Technology](#), regarding access to Internet and online sites is attached in Section X of this document.

### **Monitoring of District Issued Devices and Accounts for Student Safety**

Digital safety is critically important to SMUHSD, which is why we use Bark for Schools to help us protect our students both online and in real life while using our school-issued accounts. Bark monitors for signs of potential issues like: cyberbullying, suicidal ideation, sexual predators, threats of violence, and more. When possible dangers arise on school-issued accounts, Bark for Schools sends SMUHSD alerts so we can address the situation in a timely manner. These alerts also give us insights that help us promote the wellness of the entire student body. We strive to help keep our students safe online. For more information please visit Bark for Schools (<https://www.bark.us/schools>) or contact the Director of Student Services, Don Scatena ([dscatena@smuhsd.org](mailto:dscatena@smuhsd.org)).

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

The Superintendent or designee may gather and maintain information pertaining directly to school safety or student safety from the social media activity of any district student in accordance with Education Code 49073.6 and BP/AR 5125 - Student Records. Students and their parents/guardians are entitled to access and challenge the veracity of such information. The student or student's parent/guardian may request the removal of information or make corrections to information gathered or maintained from social media.

To access this information, please contact:

District Technology Support Group  
650 N. Delaware Street, San Mateo  
phone: (650) 558-2496 or email [info@smuhsd.org](mailto:info@smuhsd.org)

Information gathered from social media sources must be destroyed within one year of the student turning 18, or from the student's departure from the school district, whichever occurs first.

### **Student Discipline**

A written explanation of disciplinary procedures, which describes both student rights and responsibilities, is available at each campus for you to read. Student discipline can result in intervention at the school site, suspension, formal reprimand, and/or expulsion. (Ed. Code § 35291.)

### **No Smoking Rule**

In accord with Education Code 48900(h) Board Policy 3513.3 prohibits the use of tobacco products by anyone, anywhere on school property, and at any off-campus school-sponsored event.

### **Parent's Required Attendance**

Parents or guardians may be required to attend their student's class if they are suspended for unruly or disruptive conduct. (Ed. Code §§ 48900.1 and 48914.)

### **Grounds for Suspension or Expulsion; Legislative Intent**

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivision (a) to (r), inclusive. (Ed. Code § 48900.)

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

A pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment. (Ed. Code § 48900.4.)

### **Transfer of Suspension and Expulsion Disciplinary Records**

The District will forward student records, including suspension and/or expulsion disciplinary records, to other schools that have requested the records and in which the student seeks or intends to enroll. (34 CFR §§ 99.7 and 99.34 (a)(ii).)

### **All Campuses Are Closed Campuses**

Students who leave campus without permission are subject to disciplinary procedures. Once students arrive at school they must remain on campus (including brunch and lunch) until the end of the school day, unless they have provided to school authorities permission to leave, for a specific purpose – prior to leaving. (Board Policy 5112.5.)

### **Deadline for Comprehensive School Safety Plan**

Each school is required to report each July on the status of its school safety plan, including a description of its key elements in the annual School Accountability Report Card prepared pursuant to Sections 33216 and 35256. A mandatory component of the school safety plan is a discrimination and harassment policy. (Ed. Code § 32286.)

### **School Safety Plan: Notice to Specified Persons and Entities**

Before adopting its comprehensive school safety plan, each school site council or school safety planning committee is required to hold a public meeting to allow members of the public the opportunity to express an opinion about the school plan. Added to this requirement is the provision that each school site council or school safety planning committee shall notify, in writing specified persons and entities including: the local mayor; a representative of the local school employee organization; representatives of parent organizations including the parent teacher organization at the school site; a representative of the student body government; and all other persons that have indicated they wanted to be notified. (Ed. Code § 32288.)

### **Video Surveillance**

Video surveillance cameras have been installed on school grounds and buildings to promote a safe school environment for students, staff, and visitors. Video cameras have not been placed in

areas where there is a reasonable expectation of privacy or in classrooms unless the teacher has consented to the placement of the camera in his/her classroom. Video surveillance footage will not be actively monitored and will be viewed by authorized District personnel only when necessary. Recordings may be used in disciplinary proceedings and matters captured by the camera may be referred to local law enforcement, as appropriate. The video surveillance cameras will not record audio or other sound(s). (Board Policy 3515.)

### **Disaster Preparedness Educational Materials**

Disaster Preparedness Educational Materials requires the CDE to electronically distribute disaster preparedness educational materials to school districts. (Ed. Code § 32282.5.)

## **II. Residency / Attendance**

### **Migratory Children – Residency Retention**

Currently migratory children, who are enrolled in a school district due to a parent's or immediate family member's temporary or seasonal employment in an agricultural or fishing activity, as defined by Education Code section 54441, must be allowed to continue in their schools of origin, regardless of any change of residence during that school year, for the duration of their status as migratory children. When a student's status as a migratory child changes during the school year, the school district must: (1) allow K-8th graders to continue in their schools of origin for the remainder of that school year; and (2) allow 9-12th graders to continue in their schools of origin through graduation.

Migratory children and their parents/guardians must be informed of the impact that remaining in their schools of origin will have on their eligibility to receive migrant education services.

### **Residency Retention for the Students of Detained or Deported Parents**

Students retain residency in a school district, regardless of the students' current residency, when both of the following requirements are met:

- a) the student's parent or guardian has departed California against his or her will, and the student can provide official documentation evidencing the departure; and
- b) the student moved outside of California as a result of his or her parent or guardian leaving the state against his or her will, and the student lived in California immediately before moving outside the state. The student must provide evidence of enrollment in a California public school immediately before moving outside the state.

Deported parents may designate another adult to attend school meetings and to serve as an emergency contact. No charges or fees of any kind, as allowed under Education Code section 48050, may be required for admission or attendance in these circumstances. These students will be included in computing ADA for the purpose of obtaining apportionment state funds.

This law applies to parents who are: (1) in the custody of a government agency and are transferred to another state; (2) subject to a lawful removal order and who were removed or were permitted to leave California voluntarily before being removed; and (3) subject to any additional circumstances consistent with these purposes, as determined by the school district. (Ed. Code § 48204.4.).

## **Immigration Enforcement - "Know Your Rights"**

All students have the right to a free public education, regardless of immigration status or religious beliefs. For more information, please see the resources developed by the California Attorney General at <https://www.oag.ca.gov/immigrant/rights>.

## **Enrollment – Student Residency/Attendance Options**

A student may be enrolled in the District if (1) the student's parent, legal guardian or other person having control and charge of the student resides in the District (Ed. Code § 48200); (2) the student is placed in a regularly established children's institution, licensed foster home, or family home; (3) they are an emancipated student who lives within the District; (4) the student lives in the home of an adult who has submitted a caregiver affidavit; or (5) the student resides in a state hospital within the District. (Ed. Code § 48204.) The law allows, but does not require, a district to accept a student for enrollment where one or both of the student's parents or legal guardian is physically employed within the District's boundaries for at least 10 hours per school week. (Ed. Code § 48204.) The District approves interdistrict and intradistrict transfer requests for the students of District employees who work at least half time. (AR 5111.12) All districts must inform parents/guardians at the beginning of the school year how to enroll in a school within the district that is different than the one assigned. Students who attend schools other than those assigned by the district are referred to as "transfer students" throughout this notification. There is one process for choosing a school within the District which the parent/guardian lives (intradistrict transfer), and three separate processes for selecting schools in other districts (interdistrict transfer.) (Ed. Code § 48980 (h).) Attached is a copy of the District's Policy for interdistrict and intradistrict transfers. Parents/guardians interested in interdistrict or intradistrict transfers should contact Student Services located at 650 N. Delaware Street, San Mateo, CA 94401. The general requirements and limitations of each process are described as follows:

## **Choosing a School Within the District in Which Parent Lives**

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

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

## Choosing a School Outside District in Which Parent Lives

Parents/guardians have three different options for choosing a school outside the district in which they live. The three options are:

- i. **Districts of Choice** (Ed. Code, § 48300–48315): The law allows, but does not require, each school district to become a “district of choice”—that is, a district that accepts transfer students from outside the district under the terms of the referenced Education Code sections. *Please be advised that the San Mateo Union High School District is **not** a ‘district of choice’ and does not accept interdistrict transfers under this provision.*
- ii. **“Allen Bill” Transfers** (Ed. Code, § 48204(b)): The law allows, but does not require, each school district to adopt a policy whereby the student may be considered a resident of the school district in which his/her parents (or legal guardian(s)) physically work at least 10 hours per school week if that is different from the school district in which the student resides. *Please be advised that the San Mateo Union High School District does **not** accept interdistrict transfers under this provision.*
- iii. **Enrollment Based on Parent and Student Living at Parent's Place of Employment for a Minimum of 3 Days During the School Week:** Parents/guardians may apply for the enrollment of their child in a school district in which the parent/guardian is employed, and where the parent and child live at the parent/guardian’s place of employment for a minimum of 3 days during the school week. (Ed. Code § 48204(a)(7).)

## Interdistrict Transfer

The law allows two or more districts to enter into an agreement for a period of up to five years for the transfer of one or more students. Once a student is enrolled pursuant to an interdistrict transfer, the student shall not have to reapply for an interdistrict transfer unless the district of resident and district of attendance require reapplication. The agreement must specify the terms and conditions under which transfers are permitted. There are no statutory limitations on the kinds of terms and conditions districts are allowed to place on transfers. Districts may not rescind existing transfer permits for students preparing to enter grades 11 or 12. The law on interdistrict transfers also provides for the following:

- If either district denies a transfer request, a parent/guardian may appeal that decision to the county board of education. There are specified timelines in the law for filing an appeal and for the county board of education to make a decision.

The [Interdistrict](#) and [Intradistrict Transfers](#) Board Policies are online. Parents/guardians interested in more information on the interdistrict or intradistrict transfers process should contact Student Services at the District Office (650) 558-2259. (Education Code §§ 46600-46611.)

## Victims of Bullying – Transfer Rights

School districts must approve the request of a bullying victim, as defined, to transfer to another school within the district. If the requested school is at capacity, the school district must accept a request for an alternate site. If the school district of residence has only one school available, the school district of residence must honor the student’s interdistrict transfer request if the school district of proposed enrollment approves the transfer. (Education Code § 46600.)

### **Children in Homeless Situations**

Each local district shall appoint a liaison for homeless children who shall ensure the dissemination of public notice of the educational rights of students in homeless situations. Please contact the Director of Student Services at 650-558-2257 for additional information regarding educational services for children in homeless situations. (42 U.S.C. § 11432 (g) (I) (J)(ii), (g)(6).)

### **Notice of Alternative Schools**

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

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

In the event any parent/guardian, student, 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. (Ed. Code § 58501.)

### **Children of Military Service Members – Residency**

A student complies with a school district's residency requirements for school attendance if the student's parent/guardian is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order. School districts must accept applications by electronic means for enrollment, including enrollment in a specific school or program within the district, and for course registration. The parent/guardian must provide proof of residency in the school district within 10 days after the published arrival date provided on official documentation. (Ed. Code §§ 48204.3 and 48980(h).)

### **Students in Active Duty Military Families / Residency Retention and Matriculation**

A student living in the household of an active duty military service member must be allowed to continue attending the student's school of origin for the remainder of the school year if the family moves.

A student from an active duty military family who is transitioning between school grade levels must be allowed to continue in the school district of origin and in the same attendance area of



his/her school of origin. If the student is transitioning to middle school or high school, and the school designated for matriculation is in another school district, the local educational agency must allow the student to continue to the school designated for matriculation in that school district. The new school must immediately enroll the student, even if the child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or if the student is unable to produce clothing or records normally required for enrollment.

If the parent/guardian's military service ends during the school year, then the student is allowed to stay in his/her school of origin for the remainder of the school year if s/he is in grades 1-8, or through graduation if the student is in high school. (Ed. Code § 48204.6.)

### **Confidential Medical Services**

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

### **Excused Absences**

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

- a. Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
  1. Due to his/her illness.
  2. Due to quarantine under the direction of a county or city health officer.
  3. For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
  4. For the purpose of attending the funeral service of a member of his/her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside of California.
  5. For the purpose of jury duty in the manner provided for by law.
  6. Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a note from a doctor.
  7. For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his/her religion, attendance at religious retreats, or attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization, when the pupil's absence has been requested in writing by the parent or guardian and approved by the Principal or a designated representative pursuant to uniform standards established by the Governing Board.
  8. For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Election Code.
  9. For the purpose of spending time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the Superintendent.
  10. For the purpose of attending the pupil's naturalization ceremony to become a United States citizen. Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be

reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore, and not have his or her grade reduced. The teacher of any class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

- b. For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
- c. Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
- d. "Immediate family" as used in this section means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

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

Pupils may be excused, with written permission from a parent or guardian, in order to participate in religious exercises or receive moral and religious instruction away from school property. Every pupil so excused must attend at least the minimum school day. Such absences may not exceed four days per school month. (Ed. Code § 46014.)

### **III. Instruction and Testing**

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

A parent or guardian of a pupil has the right to excuse their child from all or part of comprehensive sexual health education, HIV/AIDS prevention education, and assessments related to that education, as follows:

A parent/guardian may request in writing that his/her child be excused from participating in HIV/AIDS prevention or sexual health education. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51939)

Parents or guardians may inspect the written and audio visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents have a right to request that the District provide them with a copy of Ed. Code section 51938.

Every pupil's parent or guardian will be notified prior to the commencement of any comprehensive sexual health education and HIV/AIDS prevention education instruction as to the date of such instruction and whether the instruction will be taught by District personnel or by outside consultants. If outside consultants are used, the name of the organization of each guest speaker will be identified. Parents and guardians have a right to request that the District provide them with a copy of Education Code sections 51933 and 51935.

#### **Student Surveys, Tests and Questionnaires Regarding Sexual Attitudes and Practices**

Under state law, anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behavior and risks, including tests, questionnaires and surveys containing age-appropriate questions about the student's attitudes concerning, or practices related to, sex may be administered to students in grades 7-12. Parents and guardians will be notified in writing that such a test, questionnaire or survey is to be administered and given an opportunity to review the test, questionnaire or survey and be informed that in order to excuse their child, they must state their request in writing. If a school receives a written

request from the parent or guardian excusing a student from this activity, the student may not be subject to disciplinary action, academic penalty or other sanction and an alternative educational activity must be made available to the student. (Ed. Code §§ 51938(c) and 51939.)

### **Excusal from Instruction in Health**

Upon written request of a parent/guardian, a student shall be excused from any part of health instruction that conflicts with his/her religious training or beliefs (including personal moral convictions.) (Ed. Code § 51240.)

### **Dissection of Animals**

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

### **U.S. Department of Education Program**

The following applies **only** to programs directly funded by the U.S. Department of Education. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation shall be available for inspection by the parents or guardians of the children.

No student shall be required, without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an un-emancipated minor, without the prior written consent of the parent/guardian, as part of any applicable U.S. Department of Education funded program, to submit to a survey, analysis, or evaluation that reveals information concerning:

- a) political affiliations;
- b) mental and psychological problems potentially embarrassing to the student or his family;
- c) sex behavior and attitudes;
- d) illegal, anti-social, self-incriminating and demeaning behavior;
- e) critical appraisals of other individuals with whom respondents have close family relationships;
- f) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) religious practices, affiliations, or beliefs of the student or student's parent; or
- h) income (other than that required by law to determine eligibility for participation in a program or for financial assistance under such program)

### **Review of Curriculum**

A prospectus of curriculum, including titles, descriptions, and instructional aims of every course offered by a public school, shall be compiled at least once annually in a prospectus. Each school site shall make its prospectus available for review upon request. Copies are available upon request for a reasonable fee not to exceed the actual copying cost. (Ed. Code §§ 49063 and 49091.14.)

### **English Language Development (ELD)**

The parent/guardian of all potential English learners (ELs) shall be notified in writing about program options for ELs. They will also be notified regarding their right to visit the program/classes, their right to request a withdrawal from the program, their option to request a waiver, and their right to participate in the school and district English Learner committees. (Ed. Code 52173.) In order to determine the student's English proficiency, the San Mateo Union High School District requires a parent/guardian to complete a Home Language Survey upon enrolling his/her student in the district school. A parent/guardian with questions about programs for English Learners should contact the Assistant Principal for Instructional Services at the school site.

### **English Learners**

Federal law requires prior notice be given to parents/guardians of limited English Learners regarding English Language Development proficiency programs, including the reasons for the identification of the student as an English Learner, the need for placement in a language instruction educational program, the student's level of English proficiency, how such level was assessed, the status of the student's academic achievement, the methods of instruction used in the programs, parent options for programs that will meet the student's needs, program performance, parent options to remove a student from a program and/or to decline initial enrollment, and expected rate of transition into classrooms not tailored for limited English proficient students. (20 USC § 6312.)

### **Description of SMUHSD Language Acquisition Programs for English Learners**

All English Learner students will have access to designated English Language Development (ELD) through a Structured English Immersion (SEI) Program, English Mainstream Program (that includes ELD), or an alternative Bilingual Education Program. Any student that has been attending school in the United States for less than 6 years and who has an overall score of bridging on the California English Proficiency Exam is eligible for the SEI Program. A student who has been attending school in the US for more than 5 years and has yet to attain English Proficiency is a long-term English Learner (LTEL) and will be placed in a mainstream English program with access to ELD during their school day. Additionally, any student who has been exited from ELD or has met the expanding criteria on the California English Proficiency Exam is eligible for a mainstream English program with access to ELD. An alternative bilingual program is available where the criteria outlined below is met.

### **Structured English Immersion (SEI) Program**

Any student that has been attending school in the United States for less than 6 years and who has an overall score of bridging on the California English Proficiency Exam is eligible for the SEI Program. In the SEI Program, students:

- Receive one period of Integrated ELD instruction and one period of Designated ELD instruction by an appropriately credentialed teacher.
- Receive access to core content in Math, Science, and Social Science through Specially Designed Academic Instruction in English (SDAIE) by an appropriately credentialed teacher with EL authorization.
- All courses count towards meeting district graduation course requirements.
- With the exception of ELD I and ELD Math, all courses count towards fulfilling the UC/CSU a-g requirements.

### **English Language Mainstream Program**

This program is appropriate for a student who has been attending school in the US for more than 5 years and has yet to attain English Proficiency (LTEL), any student who has been exited from ELD or has met the expanding criteria on the California English Proficiency Exam. In the mainstream program, students:

- Receive one period of English Language Arts (ELA) and designated ELD during their school day
- Are eligible for an English support class
- Are eligible for to receive access to core content in Math, Science, and Social Science through Specially Designed Academic Instruction in English (SDAIE) by an appropriately credentialed teacher with EL authorization.

### **Alternative Program (ALT)**

The Alternative Bilingual Program is offered at school sites where there are twenty waiver requests for one primary language at one grade level from that site. Instruction in at least two core content classes is provided in the primary language. A teacher with EL Authorization provides ELD instruction in either an ELD class or a mainstream English class.

Parents/guardians, who want to submit a waiver must come to the school personally, request the waiver form and complete it.

If you have any questions, please contact the English Learner Specialist at your student's school.

### **Individual Student Reports on Statewide Assessments**

Upon request, parents/guardians have a right to information on the level of achievement of their student on every State academic assessment administered to the student.

### **Exemption from California Assessment of Student Performance and Progress (CAASPP)**

Each year, parents and guardians will be notified regarding their student's participation in the CAASPP assessment system. Parents and guardians wanting to excuse their child from any or all parts of the CAASPP must submit a written request. Such written requests must be submitted to the school on an annual basis. (Ed. Code §§ 60615, 60604, 60640 and 5 CCR 852.)

### **Temporary Disability / Individual Instruction**

A temporary disability which makes it impossible or inadvisable for a student to attend class may entitle the student to receive individualized instruction either: (1) at home provided by the school district in which the student resides; or (2) in a hospital or other residential health facility, excluding state hospitals, provided by the school district in which the hospital or residential health facility is located.

"Temporary disability" means a physical, mental or emotional disability incurred while a student is enrolled in regular day classes or an alternative education program to which the student can reasonably be expected to return. "Temporary disability" does not include a disability that would qualify a student as a "student with exceptional needs" under Education Code section 56026.

A student with a temporary disability who is in a hospital or other residential health facility, excluding a state hospital, which is located outside of the school district in which the pupil's parent or guardian resides shall be deemed to have complied with the residency requirements for school attendance in the school district in which the hospital is located. Once the parent has notified the district in which the hospital is located of the student's presence in the qualifying

hospital, the district has five working days to notify the parent if individualized instruction shall be made available. If the determination is positive, individualized instruction shall commence within five working days.

Individual instruction in a student's home must commence no later than five working days after a school district determines that the student shall receive this instruction.

When a student receiving individual instruction is well enough to return to school, s/he must be allowed to return to the school that s/he attended immediately before receiving individual instruction, if the student returns during the school year in which the individual instruction was initiated.

Students enrolled in individual instruction in a hospital or other residential health facility for a partial week, are entitled to attend school in their school district of residence, or to receive individual instruction provided by the school district of residence in the student's home, on days in which they are not receiving individual instruction in a hospital or other residential health facility, if they are well enough to do so.

Absences from the student's regular school program due to the student's temporary disability are excused until the student is able to return to the regular school program.  
(Ed. Code §§ 48206.3, 48207, 48207.3, 48207.5, 48208, 48240 (c) and 48980(b).)

### **Eligibility for Co-curricular and Extracurricular Programs**

Every high school student who wishes to participate in the District's athletic and extracurricular programs must meet all of the qualification standards listed. (Board Policy 6145)

1. Must achieve a minimum unweighted grade point average of 2.0 in all enrolled courses during the previous grading period (first six weeks, second six weeks, and final semester grades).
2. Must be receiving 25 semester credits during the previous grading period. (This is the District's minimum standard for "satisfactory educational progress.")
3. Cannot be receiving more than one grade of F during the previous grading period.
4. In the event a student is determined to be academically ineligible to participate in co-curricular or extra-curricular activities during the first grading period of the upcoming school year, the student may attend summer school and petition to have the grades earned during the intervening summer session substituted for the grades received during the previous grading period. In those cases where the course is retaken during the summer school, the higher grade will be substituted for the lower grade and the grade point average will be recalculated to determine the student's eligibility for the first grading period of the upcoming school year.
5. There will be no probationary period for any student who fails to meet the District's minimum eligibility standards.

### **Notice of Pending Course Failure**

Parents and guardians will be notified when a teacher has determined that student is in danger of failing a course. (Ed. Code §§ 49063 and 49067.)

### **Rights to Receive Teacher Information**

Upon request, parents/guardians have a right to request information regarding the professional qualifications of the classroom teachers who instruct their student. Federal law allows you to request the following information: 1) If their student's teacher has met the state credential or license criteria for grade level and subject matter taught; 2) If their student's teacher is teaching under an emergency or other provisional status because of special

circumstances; 3) The baccalaureate degree major of the teacher and any other graduate certification or degree held and the field of discipline of the certification or degree; and 4) If their student is receiving services from instructional aides and paraprofessional, if so, their qualifications. If you would like to receive this information, contact the Curriculum Services Office at 650-558-2253. Districts shall also notify parents/guardians if their student has been assigned to or has been taught for 4 or more consecutive weeks by a teacher who is not highly qualified.

**College Admission Requirements and Higher Education Information**  
 University of California/California State University Minimum College Admissions Requirements:

<b>“A-G” Courses</b>	<b>Subject</b>	<b>CSU/UC Requirements</b>
<b>A</b>	History/Social Science	2 years required
<b>B</b>	English	4 years required
<b>C</b>	Mathematics	3 years required (e.g. Algebra, Geometry), 4 years recommended
<b>D</b>	Laboratory Science	2 years required (Biology, Chemistry, and Physics), 3 years recommended
<b>E</b>	Language Other Than English	2 years required, 3 years recommended
<b>F</b>	Visual and Performing Arts (VPA)	1 year required
<b>G</b>	College-Preparatory Electives	1 year required

To learn more about college admission requirements, and for a list of District courses that have been certified by the University of California as satisfying the requirements for admission to the UC and CSU, please refer to: <http://doorways.ucop.edu> list. To learn more about the University of California’s A-G Requirements, visit <https://www.ucop.edu/agguide/a-g-requirements/>.

Career and Technical Education (CTE) is offered by the District to help students explore possible careers and gain essential career-readiness skills. In Career and Technical Education courses, students gain real-world experience through hands-on projects that combine rigorous academics with industry-specific technical skills. The curriculum integrates work-based learning opportunities such as guest speakers, field trips, and job shadowing to expose students to a variety of career options. Through projects developed with industry partners, students gain the communication, collaboration, critical thinking and problem-solving skills that will help them succeed in the modern workplace.

SMUHSD offers multi-year CTE pathways in a wide range of industry sectors. These pathways prepare students for postsecondary education and entry into a career. Some of our CTE courses allow students to earn community college credit that is transferrable to CSU/UC. To learn more about the District’s career technical education classes, please visit the District’s website at: <https://www.smuhsd.org/domain/1238>.

Students are encouraged to meet with school counselors to help them choose courses at their school that will meet college admission requirements or enroll in career technical education courses, or both. Please contact the Assistant Principal of Instruction at your school.

## IV. Student Records

### Inspection of Student Records

State law requires that the District notify parents/guardians of the following rights which pertain to student records. (Ed. Code, §§ 49063, 49069, 34 C.F.R. § 99.7)

- a) A parent or guardian has the right to inspect and review student records relating directly to his or her child during school hours or obtain a copy of such records within five (5) business days of his/her request.
- b) Any parent/guardian who wishes to review the types of student records and information contained therein may do so by contacting the principal at his/her child's school. The principal of each school is ultimately responsible for maintenance of student records.
- c) A parent/guardian with legal custody has a right to challenge information contained in his/her child's records. Any determination to expunge a student's record is made after a review of said record(s) by site administrators and certificated staff. Following an inspection and review of student records, the parent/guardian may challenge the content of the student's record. The right to challenge becomes the sole right of the student when the student becomes eighteen (18) years of age.

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

1. Inaccurate.
2. An unsubstantiated personal conclusion or inference.
3. A conclusion or inference outside of the observer's area of competence.
4. Not based on the personal observation of a named person with the time and place of the observation.
5. Misleading.
6. In violation of the privacy or other rights of the pupil.

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

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

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



- d) A Student Records Log is maintained for each student. The Student Records Log lists persons, agencies or organizations requesting and/or receiving information from the records to the extent required by law. Student Record Logs are located at each school and are open to inspection by parents or guardians. (Ed. Code, § 49064)
- e) School officers or employees having a legitimate educational interest may access student records without first obtaining parental or guardian's consent. "School officers and employees" are persons employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and District-employed law enforcement personnel), a Board member, a person or company with whom the District has contracted to perform a special service (such as an attorney, auditor, medical consultant, or therapist), or a parent/guardian or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A "legitimate educational interest" is one held by a school officer or employee whose duties and responsibilities create a reasonable need for access. (Ed. Code, §§ 49063(d), 49076)
- f) Parents and guardians have the right to authorize the release of student records to themselves. Only parents and guardians with legal custody can authorize the release of student records to others.
- g) Parents and guardians will be charged .02 cents per page for the reproduction of student records.
- h) Parents/guardians have a right to file a complaint with the U.S. Department of Education for alleged violations of parent rights related to student records. (20 U.S.C. § 1232g)
- i) Parents/guardians may obtain a copy of the District's complete student records policy by contacting the Superintendent.

### **Family Educational Rights and Privacy Act (FERPA)**

In addition, parents/guardians have certain rights regarding student information and records which are guaranteed under federal law. A handout notifying parents/guardians of these rights is attached.

### **Directory Information**

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

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

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters,

upon request, with students' names, addresses, and telephone listings, unless parents/guardians have advised the district that they do not want their student's information disclosed without their prior written consent. If you do not want the district to disclose directory information from your student's education records without your prior written consent; you must notify the district in writing by August 12, 2021. The district has designated the following information as directory information:

- Student's name
- Address
- Telephone number
- E-mail address
- Date of birth
- Major field of study
- Participation in officially recognized activities and sports
- Weight and height of athletic team members
- Dates of attendance
- Degrees and awards received
- Most recent previous school attended

The District also may disclose your student's student identification number, user identification, or other unique personal identifier used to communicate in electronic systems, provided it cannot be used to access education records without a personal identification number (PIN), password, or other factor that only the authorized user knows. Your student's social security number will not be used for this purpose.

#### **Homeless Students/Release of Directory Information**

Written consent of the parent/guardian or that of the student, if accorded parental rights, must be obtained before directory information pertaining to a homeless student may be released. (Ed. Code § 49073(c) and 20 USC § 1232g.)

#### **Military Recruiter Information**

Federal law and Education Code section 49073.5 require that school districts disclose the names, addresses and telephone numbers of high school students to military recruiters upon request, unless parents/guardians request that this information not be released without prior written consent. Parents/guardians have the option of making such a request. If parents/guardians do not wish this information to be provided to military recruiters, they must notify the District Office in fact in writing. The Military Recruiters information request, is part of the annual online enrollment process (the Aeries Parent Portal).

## **V. Health**

#### **Student Mental Health Services**

Student mental health services are available through the District by contacting:

April Torres, Manager of Mental Health Services  
650 North Delaware Street, San Mateo, CA 94401  
Phone: (650) 558-2273 or email: [atorres@smuhsd.org](mailto:atorres@smuhsd.org)

Other resources include:

- National Suicide Prevention Lifeline: 1-800-273-8255
- Crisis Text Line: 741741 - text "HOME"
- StarVista Crisis Hotline: (650) 579-0350
- SMUHSD Anonymous Alert: <https://www.anonymousalerts.com/sanmateouhsd>

- National Domestic Violence Hotline: 1-800-799-7233 or [www.thehotline.org/](http://www.thehotline.org/)
- In Case of Emergency Dial 911

### **Administration of Medication at School**

Medication prescribed or ordered by a physician/health care provider for a student may be administered during the school day by a registered nurse, the Student Health Coordinator or other designated school personnel, or be self-administered by the student, if the parent/guardian consents in writing and provides detailed written authorization and instructions from a physician/health care provider (MD [medical doctor], NP [nurse practitioner], PA [physician assistant], or DO [doctor of osteopathic medicine]). **This includes ANY medication, including “over the counter” medication available without a prescription from a health care provider.** All authorizations for medications are required to clearly state the name and nature of the medication, the method of administration, the amount/dosage, the time of administration, and provide a release of information for the Student Health Coordinator or other designated personnel to consult with the student’s physician/health care provider regarding any questions that may arise with regard to the medication. Authorizations for students to self-medicate must also confirm (by parent/guardian and physician/health care provider) that the student is able to self-medicate and release the School District and school personnel from civil liability if the self-administering student suffers an adverse reaction as a result of self-administering medication pursuant to this law. Medication authorizations are required at least annually and more frequently if the medication, dosage, frequency of medication, or reason for administration changes. (CCR, Title 5, § 605, & Ed Code §§ 49423, 49423.1, 49423.5) [The Authorization for Medication\(s\) to be Taken During School Hours form](#) is available in the school Health Office, on the Aeries Parent Portal, and in the “Health” section of the District website (<https://www.smuhsd.org/Page/2374>). If your student requires medication during the school day, please return the completed form to the school Health Office by the first day of school.

### **Students on Medication**

Parents/guardians are to notify the school if their student is on a continuing medication regimen. This notification shall include the name of the medication being taken, the dosage, and the name of the supervising physician/health care provider. With parental consent, the Student Health Coordinator or other designated personnel may confer with the physician/health care provider regarding possible effects of the drug (including symptoms of adverse side effects, omission, overdose, or altered behavior) and counsel with school personnel as deemed appropriate. (Ed. Code § 49480.)

### **Immunizations**

The District shall exclude from school any pupil who has not been immunized properly and will notify the parent/guardian that s/he has two weeks to supply evidence that the student is immunized. Some exceptions are allowed for medical reasons (licensed physician, MD or DO, written statement required) or for students classified as homeless. January 1, 2016 was the deadline for parents to exempt their children from required immunizations based on their religious or personal beliefs. Students who had a signed waiver based on religious or personal beliefs on file by January 1, 2016 are exempt from the immunization requirement until they complete the "grade span" they were in as of January 1, 2016. Grade spans are defined as: (1) birth through preschool, (2) Kindergarten through 6th grade, and (3) 7th through 12th grade. Students entering the District for the first time after January 1, 2016 are no longer exempt from immunizations based on religious or personal beliefs. Students who have a medical exemption issued before December 31, 2020 will be allowed continued enrollment until they enroll in the next grade span. As of January 1, 2021, the District will only accept medical exemptions submitted on the California Department of Public Health’s standardized, statewide medical exemption certification

form, which the student's licensed physician or surgeon must complete and submit directly to the California Immunization Registry. (Health & Safety Code section 120372(a).)

Pursuant to Health & Safety Code section 120325, a parent may consent in writing for a physician, surgeon, registered nurse or Student Health Coordinator acting under the direction of a supervising physician and surgeon to administer an immunizing agent to a pupil at school. The District shall cooperate with local health authorities in the control of communicable disease and immunizations. (Ed. Code §§ 48216, 48980(a), 49403). **Students will not be admitted to classes without an immunization record meeting state documentation requirements or an exemption document on file in the Health Office.** Information regarding important immunizations available for adolescents, including Tdap (tetanus-diphtheria-acellular pertussis), meningococcal, HPV, and others, are available in the Health Office or from the Student Health Coordinator upon request.

### **Emergency Treatment of Anaphylaxis**

Pursuant to California Education Code (EDC) section 49414, the District will provide emergency epinephrine auto-injectors to the Student Health Coordinator, Health Aides, and trained volunteers who may use epinephrine auto-injectors to provide emergency medical aid to students/persons suffering, or reasonably believed to be suffering, from anaphylaxis (severe and potentially life-threatening allergic reaction), regardless of known history.

### **Physical Exams and Screenings**

District policy requires that all students registering in the San Mateo Union High School District shall present a Medical Examiner's Statement from a physician/health care provider (MD [medical doctor,] NP [nurse practitioner], PA [physician assistant], or DO [doctor of osteopathic medicine], no later than the close of the first semester. The Medical Examiner's Statement is available in the "Health" section of the District website (<https://www.smuhsd.org/Page/2374>) and in the Health Office. If you wish to waive this requirement for your student, you must file a written request to the school principal. (Board Policy 5141.3) The District is required to conduct certain physical examinations, vision and hearing screening of students, unless the parent provides written objection annually. A student may be sent home when there is reason to believe they are suffering from recognized contagious disease and will be allowed to return only when the District staff is satisfied that the student is not contagious or infectious. The District shall cooperate with local health authorities in the control of communicable disease. (Ed. Code §§ 49451, 49452, 49452.5, 49455 & 49403, Health & Safety Code § 124085.)

### **Medical Coverage for Injuries**

The San Mateo Union High School District does not carry medical or dental insurance for students if injured on school premises, while under school jurisdiction, or during District-related activities. For this reason, the District has made available a voluntary medical and dental insurance plan for presentation to a parent/guardian at a reasonable cost. (Ed. Code § 49472.)

### **Medical and Hospital Services Not Provided**

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

### **Asbestos Management Plans**

Asbestos Management Plans are available for each school in the principal's office. The management plan is a routine document required by federal law for all sites and its preparation does not necessarily mean that a problem exists at any site. The plans may be read at the

school site by contacting the principal's office. Individuals wishing to discuss the Asbestos Management Plan should contact the Environmental Health and Safety Specialist at (650) 558-2470.

**Notice of Pesticide Use**

All schools are required to provide parents or guardians with annual written notice of expected pesticide use at schools. The attached list provides the name of each pesticide product, the active ingredient(s) and the Internet address for further information. If you wish notification of individual applications at your student's school facility, register this request with the Director of Maintenance, Operations and Facilities Use at (650) 558-2411 and the Environmental Health and Safety Specialist at (650) 558-2470. If you register, you will be notified at least 72 hours prior to the application of the pesticide at the school site. In the event that the District decides to apply a pesticide that is not included in the attached Healthy Schools Act Pesticide List, the school site designee will provide written notice to parents of the intended use at least 72 hours before application. The address for the Department of Pesticide Regulation is [www.cdpr.ca.gov](http://www.cdpr.ca.gov). Copies of the District's Integrated Pest Management plan are available in the school offices and on the District's website at <https://www.smuhsd.org/Page/5189>.

**Healthy Schools Act of 2000 (Ab 2260)**

Notice of all students, parents/guardians and employees of San Mateo Union School District: Assembly Bill 2260 went into effect on January 1, 2001. This legislation enacted Education Code sections 17608 et seq. which require, among other things, that school districts notify parents and staff about the use of pesticides at school. The purpose of this legislation is to reduce exposure to toxic pesticides through information and application of an integrated pest management system at schools. Towards this end, and pursuant to the requirements of this legislation, please be advised of the following:

The San Mateo Union High School District expects to use the following pesticides at its campuses during the upcoming year:

Pesticide Name	E.P.A Reg. Number	Active Ingredients(s)
First Strike Soft Bait	7173-258	Difethialone
Fusilade II Turf and Ornamental Herbicide	100-1084	Butyl(RS)-2-[4[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxo]propionate 24.5%
Pendulum Aquacap herbicide	241-416	Pendimethalin 38.7%
Turflon Ester Herbicide	17545-8-54705	Triclopyr ((3,5,6-trichloro-2-pyridinyl) oxy]acetic acid, butoxyethyl ester)

Parents/guardians, students, and employees of the San Mateo Union High School District can register with the Director of Maintenance, Operations and Facilities Use to receive notification of individual pesticide applications by calling (650) 558-2411. Persons who register for this notification shall be notified at least seventy-two (72) hours prior to the application, except in emergencies, and will be provided the name and active ingredient(s) of the pesticide as well as the intended date of application.

If you wish to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to California Food and Agricultural Code section 13184, you can do so by accessing the Department's website at [www.cdpr.ca.gov](http://www.cdpr.ca.gov).

## VI. Non-Discrimination and Equity

### **Sexual Harassment Policy**

The District's [policy on sexual harassment](#) is attached and is posted prominently on the District's website and school websites. The purpose of this policy is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies. (Ed. Code §§ 231.5 and 48980(g).)

### **Access to Programs and Facilities Based on Gender Identity**

Pursuant to state law, students may access sex-segregated programs and facilities, including locker room and restroom facilities, consistent with their gender identity. Any student may request the use of private or unisex restroom facilities for increased privacy. The District endeavors to protect the privacy of all students.

### **Equal Opportunity**

Equal opportunities for both sexes in all educational programs and activities run by the District is a commitment made by the District to all students. (Title IX of the Education Amendments of 1972)

Inquiries on all matters, including complaints, regarding the implementation of Title IX in the District may be referred to the District official listed at the following address and telephone: Deputy Superintendent of HR and Student Services, 650 N. Delaware Street, San Mateo, CA 94401, (650) 558-2209.

### **Sex Equity in Career Planning**

Parents/guardians shall be notified in advance of career counseling and course selection commencing with course selection in Grade 7, to promote sex equity and allow parents/guardians to participate in counseling sessions and decisions. (Ed. Code § 221.5(d).)

More information on [Hate Motivated Incidents, Crimes and Hate Speech](#) can be found on Page 1 of this document.

## VII. Students with Disabilities

### **Services for Students with Exceptional Needs or a Disability**

State and federal law requires that a free and appropriate public education (FAPE) in the least restrictive environment be offered to qualified pupils with disabilities ages 3 through 21 years. Students classified as individuals with exceptional needs receive appropriate services and placements. Please contact the Special Education Director for specific information. (Ed. Code § 56040 et seq.) In addition, services are available for students who have a disability which interferes with their equal access to educational opportunities. (Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. 104.32.) The District official listed below is responsible for handling requests for services under Section 504 and may be reached at the following address and telephone: Director of Special Education, San Mateo Union High School District, 650 N. Delaware Street, San Mateo, CA 94401, 650-558-2260.

### **Child Find Systems**

Any parent/guardian suspecting that a child has exceptional needs may request an assessment for eligibility for special education services through the school Principal. Policy and procedures shall include written notification to all parents/guardians of their rights pursuant to Education Code section 56300 et seq. (Ed. Code § 56301 and 34 C.F.R. § 104.32(b).)



## VIII. Miscellaneous

### **Availability of State Funds to Cover Costs of Advanced Placement and International Baccalaureate Examination Fees**

School districts may apply to the State Department of Education for grant funding, when available, to assist economically disadvantaged pupils in paying for advanced placement and International Baccalaureate examination fees. School districts that apply for these grants must designate specific school district staff to whom pupils may submit applications for grants and must institute a plan to notify pupils of the availability of financial assistance. For more information about the grant funding, contact the Assistant Principal of Instruction at your school. (Ed. Code §§ 48980(k) and 52242.)

### **Pupil Free Staff Development and Minimum Day Schedule**

A copy of the Districts pupil-free staff development day and minimum day schedule is available on the District [website](#). A student's parent or guardian will be notified during the school year of any additional minimum days and pupil-free staff development days no later than one month before the actual date. Negotiated professional development and minimum days are noted in the District yearly calendar. (Ed. Code § 48980(c).)

### **Nutrition Program**

The San Mateo Union High School District Student Nutrition Department participates in the National School Breakfast and Lunch Program. This is a program that serves nutritionally balanced meals every school day. For a set price a student is able to buy a complete breakfast or lunch meal. This includes one entrée item plus at least one other item including milk, fruits, and vegetables during all of the service times. Those students who are eligible can qualify for either a reduced or free meal during both the breakfast and lunch times. Participating students are not identified or treated differently. [The free and reduced lunch application](#) is now part of the annual online registration process, or the application can be found on the District website <https://www.smuhsd.org/domain/3028>. (Ed. Code § 49510 et seq.)

### **School Accountability Report Card**

The Governing Board of each school district maintaining an elementary or secondary school shall develop and cause to be implemented for each school in the school district a School Accountability Report Card. Individuals desiring a copy of the Accountability Report Card should contact the principal's office or visit the District website at <https://www.smuhsd.org/Page/3580>. (Ed. Code § 35256.)

## IX. Complaints

### **Nutrition Program Complaints**

Complaints related to Child Nutrition Programs established pursuant to the National School Lunch Program, Summer Food Service Program, Child and Adult Care Food Program, Special Milk Program, School Breakfast Program, and Food Distribution Program are no longer processed through the District's Uniform Complaint Procedures. Instead, complaints must be processed through the existing procedures outlined in the federal regulations and the new, related state regulations, California Code of Regulations, title 5, sections 15580 – 15584 A complaint must be submitted within one year of the date of the alleged violation, and may be filed by phone, email, or letter. Please see California Code of Regulations, title 5, sections 15580 – 15584 for more information. (5 CCR 15580-15584)

### **Complaints (Special Education)**

Parents/guardians may file a complaint concerning violations of federal or state law or regulations governing special education related services. To file a complaint, write a description of the manner in which the parent/guardian believes special education programs do not comply with state or federal law or regulations and file with the District official listed below at the following address and telephone number:

Julia Kempkey, Assistant Superintendent, Curriculum and Instruction  
650 N. Delaware Street, San Mateo, CA 94401  
650-558-2253

Complaints regarding special education programs are no longer covered by the District's Uniform Complaint Procedures. Complaints alleging that a student was discriminated against due to his or her disability still fall under the Uniform Complaint Procedures.

For more information about filing a complaint, please refer to the Notice of Procedural Safeguards, Special Education Rights of Parents and Children under the IDEA and the California Education Code, which is available from your child's school or may be accessed online: [Notice of Procedural Safeguards](#).

### **Williams Complaints**

Complaints, including anonymous complaints, may be made and addressed on a shortened timeline for the following areas (Ed. Code § 35186 and 5 CCR §§ 4680 – 4687):

- (1) Insufficient textbooks and instructional materials;
- (2) Emergency or urgent school facilities conditions that pose a threat to the health and safety of pupils; or
- (3) Teacher vacancy or mis-assignments.

A complainant not satisfied with the resolution of a Williams Complaint has further rights under Education Code Section 35186.

**Responsible Official:** The District official responsible for processing Williams Complaints is listed below at the following address:

Julia Kempkey, Assistant Superintendent, Curriculum and Instruction  
650 N. Delaware Street, San Mateo, CA 94401  
650-558-2253

### **Uniform Complaint Procedures**

The District's [Uniform Complaint Procedures, Board Policy](#) 1312.3 is attached.

### **Types of Uniform Complaints**

**Complaints Alleging Discrimination:** State and federal law prohibit discrimination in education programs and activities. State law requires school districts to afford all pupils equal rights and opportunities in education, regardless of disability (mental and physical), age, sex (sex discrimination includes sexual harassment and discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, recovery from pregnancy or childbirth-related conditions, or denial of lactation accommodations for lactating students), gender (includes gender identity, gender expression and gender related appearance and behavior whether or not associated with the person's assigned sex at birth), genetic information, nationality



(includes citizenship, country of origin and national origin), immigration status, race or ethnicity (includes ancestry, color, ethnic group identification and ethnic background), religion (includes all aspects of religious belief, observance and practice, including agnosticism and atheism), sexual orientation (heterosexuality, homosexuality or bisexuality), marital, parental or family status, or the perception of one or more of such characteristics. Intimidation, harassment or bullying based upon these actual or perceived characteristics, or because a person associates with a person or group with one or more of these actual or perceived characteristics, is also prohibited. (Ed. Code §§ 210-214, 220 et seq., and 66260 et seq., Cal. Code Regs., tit. 5, § 4900 et seq., 20 U.S.C. § 1681 et seq., 29 U.S.C. § 794, 42 U.S.C. § 2000d et seq., 42 U.S.C. § 12101 et seq., and 34 C.F.R. § 106.9.)

The District has a written complaint procedure which may be used in cases where individuals have suffered discrimination on the basis of actual or perceived sex, sexual orientation, ethnic group identification, immigration status, race, ancestry, national origin, religion, age, gender, color, or physical or mental disability. (Cal. Code Regs., tit. 5, §§ 4610, 4630, 4650.)

- a.) Any individual, public agency or organization has the right to file a written complaint alleging that they have personally suffered unlawful discrimination or that an individual or specific class of individuals has been subjected to unlawful discrimination. (Cal. Code Regs., tit. 5, § 4630(c).)
- b.) Complaints must usually be filed with the (director/district superintendent/designee of the LEA). In the following cases, however, complaints may be filed directly with the State Superintendent of Public Instruction: (Cal. Code Regs., tit. 5, §§ 4630(a), 4650.)
  - (1) Complaints alleging that the District failed to comply with the complaint procedures described herein.
  - (2) Complaints alleging facts which indicate that complainant will suffer an immediate loss of some benefit such as employment or education.
  - (3) Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at the District level.
  - (4) Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.
  - (5) Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
  - (6) The District refuses to respond to the State Superintendent's request for information regarding a complaint originally filed with the District.
- c.) Complaints must be filed within six (6) months of the date the alleged discrimination, harassment, or bullying occurred, or within six (6) months of the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, or bullying. The District can extend this deadline by up to ninety (90) calendar days if there is good cause to do so. Extensions will not be automatically granted. (Cal. Code Regs., tit. 5, § 4630(b).)

**Complaints Other Than Discrimination:** The District has a written complaint procedure which may be used in cases where any individual, public agency or organization alleges violations of state or federal law, other than those relating to discrimination

- a.) Written complaints may be made in the following areas:
  1. Adult Basic Education
  2. Consolidated Categorical Aid Programs
  3. Migrant Education
  4. Vocational Education
  5. Regional Occupational Centers and Programs
  6. Child Care and Development
  7. State Preschool Health and Safety Issues

8. Pupil Fee Noncompliance (Ed. Code §49013)
9. School Safety Planning (Ed. Code §§ 32286 and 32289 and 20 USC § 7114(d)(7))
10. Local Control Accountability Plan Noncompliance (Ed. Code § 52075)
11. Foster and homeless youth educational rights
12. Lactating student accommodations
13. Educational content course requirements for grades 9-12;
14. Graduation requirements, graduation deferment, continued education options and community college transfer opportunities for former juvenile court school students;
15. Graduation and coursework requirements for the children of military families
16. Parental leave and educational rights for pregnant and parenting students. (Ed. Code §§ 221.51 and 46015); and
17. Physical education instructional minutes requirement non-compliance. (Ed. Code §51222)

b.) Complaints other than discrimination must be filed within **one year** of the date the complainant knew or should have known of the alleged conduct. (5 CCR §4630 (a).) Complaints must usually be filed with the administrator/superintendent of the LEA. Complaints regarding the imposition of pupil fees for participation in educational activities may be filed with the school principal and may be submitted anonymously. Local Control Accountability Plan (LCAP) noncompliance complaints may also be filed anonymously. If pupil fee or LCAP complainant is not satisfied with the District's decision, complainant may appeal to the California Department of Education (CDE) and receive a written decision from the CDE within 60 days. (Cal. Code Regs., tit. 5, §§ 4610(a), 4630.)

In the following cases, complaints may be filed directly with the State Superintendent of Public Instruction:

1. Complaints alleging that the District failed to comply with the complaint procedures described herein.
2. Complaints regarding Child Development programs not administered by the District.
3. Complaints alleging that the District failed to comply with federal school safety planning requirements.
4. Complaints requesting anonymity, but only where complainant also provides clear and convincing evidence that complainant would be in danger of retaliation if filing complaint at District level.
5. Complaints alleging that the District failed or refused to implement a final decision regarding a complaint originally filed with the District.
6. Complaints alleging that the District took no action within sixty (60) days regarding a complaint originally filed with the District.
7. The District refuses to respond to the State Superintendent's request for information regarding a complaint originally filed with the District. (Cal. Code Regs., tit. 5, §§ 4630, 4650.)

**Uniform Complaints – Rights of Homeless and Students in Foster Care:** The district's uniform complaint procedures cover complaints pertaining to the education of homeless and students in foster care, including, but not limited to, a school district's failure to:

1. Allow a foster child to remain in his/her school of origin while resolution of a school placement dispute is pending (Ed. Code § 48853(d));
2. Place a foster child in the least restrictive educational programs and provide access to academic resources and services, and extracurricular and enrichment activities available to all students and make educational and school placement decisions based on the best interests of the child (Ed. Code § 48853(h));

3. Provide educational services for foster children living in emergency shelters;
4. Designate a staff person as the educational liaison for foster children. The educational liaison must ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children, and assist foster children when transferring from one school or district to another by ensuring the proper transfer of credits, records and grades;
5. Compile and transfer the complete educational record, including full or partial credits earned and the current classes and grades, of a transferring foster child to the next educational placement;
6. Ensure the proper and timely transfer between schools of students in foster care (Ed. Code § 49069.5(b));
7. Within two business days of receipt of a transfer request or notification of enrollment from the new local educational agency, transfer the student and deliver the student's complete educational information and records to the next educational placement (Ed. Code § 49069.5(d) and (e)); and
8. Ensure that no lowering of grades will occur as a result of a foster student's absence due to a change in placement by a court or placing agency, or due to a verified court appearance or related court activity (Ed. Code § 49069.5(g) and (h)).

A complainant not satisfied with the district's decision may appeal to the CDE and receive a written decision from the CDE within 60 days. (Ed. Code §§ 48853, 49069.5, 51225.1, 51225.2.)

**Uniform Complaints – Graduation and Coursework Requirements for Foster Youth, Homeless Students, Former Juvenile Court Students, Migratory and Newly Arrived Immigrant Students Participating in a “Newcomer Program,” and Students Living in Active Duty Military Households:** Foster youth, homeless students, former juvenile court students, migratory and newly arrived immigrant students participating in a “newcomer program”, which is a program designed to meet the academic and transitional needs of newly arrived immigrant students, and students living in the households of parents/guardians who are active duty members of the military are afforded certain rights under state law that may include:

- exemption from local graduation and coursework requirements that are in addition to the statewide coursework requirements for graduation;
- credit or partial credit for coursework completed while attending another school;
- the option to remain in school for a fifth year to complete the school district's graduation requirements; and
- not being required to accept the exemption or be denied enrollment in, or the ability to complete or retake, courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.

### **Non-Compliance Complaints**

Complaints of non-compliance may be filed with the District under the District's Uniform Complaint Procedures. A complainant not satisfied with the District's decision may appeal to the California Department of Education (CDE) and receive a written decision regarding the appeal within 60 days of the CDE's receipt of the appeal. (Ed. Code §§ 54441, 51225.1 and 51225.2.)

### **Uniform Complaints – Former Juvenile Court School Student Graduation Requirements**

School districts and county offices must exempt former juvenile court school students, who have transferred into a school district from a juvenile court school after completion of their second year of high school, from local graduation requirements that exceed state requirements and accept coursework satisfactorily completed while attending the juvenile court school, even if the student did not complete the entire course, and grant full or partial credit for courses earned while in juvenile court school. Former juvenile court school students may file complaints of non-compliance with these requirements under the District's Uniform Complaint Procedures. (Ed. Code § 51225.2.)

### **Juvenile Court Students – Graduation Requirements and Continuing Education Options**

In addition to being exempt from local graduation requirements and the right to receive credit for coursework completed while in juvenile court schools, the law provides more extensive graduation and continuing education options for former juvenile court students who have qualified for a diploma.

County offices of education must notify juvenile court students who have qualified for a diploma, their educational rights holders, and their social workers or probation officers of the following:

- The student's right to a diploma without having to complete coursework or other requirements that are in addition to statewide graduation requirements;
- How taking coursework and other requirements adopted by the governing board of the county office of education or continuing education upon release from the juvenile detention facility will affect the student's ability to gain admission to a postsecondary educational institution;
- Information about transfer opportunities available through the California Community Colleges;
- The student's or, if a minor, the education rights holder's option to allow the pupil to defer or decline the diploma in order to take additional coursework if the county office of education makes a finding that the student could benefit from the additional coursework and graduation requirements adopted by the county office of education.

When deciding whether to decline the diploma, the county office of education must advise the student, or if a minor, his/her educational rights holder, whether the student is likely to do all the following upon his/her release from a juvenile detention facility:

- Enroll in a school operated by a local educational agency or charter school;
  - a. Benefit from continued instruction; and
  - b. Graduate from high school.

Complaints of non-compliance with juvenile court students' graduation and continuing education rights may be filed with the District under its Uniform Complaint Procedures. A complainant not satisfied with the District's decision may appeal to the California Department of Education (CDE) and receive a written decision regarding the appeal within 60 days of the CDE's receipt of the appeal. (Ed. Code §§ 48645.5 and 48645.7.)

### **Uniform Complaints – Assigning Students to Course Periods Without Educational**

**Content:** Beginning with the 2016-2017 school year, school districts may not assign students in grades 9-12 to course periods without educational content for more than one week in any semester without written parental consent and related documentation. "Course periods without educational content" are defined to include course periods where: (1) a student is released early from school; (2) the student is assigned to a service, instructional work experience or to a course to assist a certificated employee, but is not expected to complete curricular assignments; or (3) where the student is not assigned to any course during the class period.

School districts are also prohibited, without written parental consent and related documentation, from enrolling 9-12th graders in classes they have previously completed and received a grade that is satisfactory to receive a high school diploma and to attend a California public institution of postsecondary education. Non-compliance complaints may be filed under the District's Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal to the CDE and receive a written decision from the CDE within 60 days. (Ed. Code §§ 51228.1, 51228.2, and 51228.3.)

### **Uniform Complaints – Lactation Accommodations for Parenting Students**

School districts must provide reasonable accommodations to lactating students on school campuses to express breast milk, breast-feed an infant child or address other needs related to breast-feeding. A student may not incur an academic penalty as a result of her use of reasonable lactation accommodations and must be provided an opportunity to make up any work missed due to such use. A complaint of noncompliance with this provision may be filed under the District's Uniform Complaint Procedures. Complainants not satisfied with the school district's decision may appeal to the CDE and receive a written decision within 60 days. (Ed. Code § 222(f).)

## **Pregnant and Parenting Student Rights**

### **Rights Under Education Code Section 221.51**

Local educational agencies (including school districts, charter schools and county offices of education):

- a) Shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.
- b) Shall not exclude nor deny any student from any educational program or activity, including class or extracurricular activity, solely on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.
- c) May require any student to obtain the certification of a physician or nurse practitioner that the student is physically and emotionally able to continue participation in the regular education program or activity.
- d) Pregnant or parenting students shall not be required to participate in pregnant minor programs or alternative education programs. Pregnant or parenting students who voluntarily participate in alternative education programs shall be given educational programs, activities, and courses equal to those they would have been in if participating in the regular education program.

- e) Shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disabling condition.

### **Rights Under Education Code Section 46015**

(a)

- 1) pregnant or parenting students are entitled to eight weeks of parental leave, which the student may take before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction, in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. The student, if the student is 18 years of age or older, or, if the student is under 18 years of age, the person holding the right to make educational decisions for the student, shall notify the school of the student's intent to exercise this right. Failure to notify the school shall not reduce these rights.
- 2) A pregnant or parenting student who does not wish to take all or part of the parental leave to which s/he is entitled shall not be required to do so.
- 3) A pregnant or parenting student is entitled to receive more than eight weeks of parental leave if deemed medically necessary by the student's physician.
- 4) When a student takes parental leave, the supervisor of attendance shall ensure that absences from the student's regular school program are excused until the student is able to return to the regular school program or an alternative education program.
- 5) During parental leave, a local educational agency shall not require a pregnant or parenting student to complete academic work or other school requirements.
- 6) A pregnant or parenting student may return to the school and the course of study in which they were enrolled before taking parental leave.
- 7) Upon return to school after taking parental leave, a pregnant or parenting student is entitled to opportunities to make up work missed during his or her leave, including, but not limited to, makeup work plans and reenrollment in courses.
- 8) Notwithstanding any other law, a pregnant or parenting student may remain enrolled for a fifth year of instruction in the school in which the student was previously enrolled when it is necessary in order for the student to be able to complete state and any local graduation requirements, unless the local educational agency makes a finding that the student is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.
- 9) A student who chooses not to return to the school in which they were enrolled before taking parental leave is entitled to alternative education options offered by the local educational agency.
- 10) A pregnant or parenting student who participates in an alternative education program shall be given educational programs, activities, and courses equal to those they would have been in if participating in the regular education program.
- 11) A student shall not incur an academic penalty as a result of their use of these accommodations.

### **Uniform Complaints – District Contact Persons:**

Please contact Kirk Black, Deputy Superintendent, Human Resources and Student Services at (650) 558-2208 or Sandra Fewer, Human Resources Generalist at (650) 558-2246.

## **Uniform Complaints - Filing and Response Deadlines**

A complaint of noncompliance with the above requirements may be filed with the District under its Uniform Complaint Procedures.

### **Statute of Limitations**

Complaints alleging harassment, discrimination, intimidation, or bullying by or against a student on the basis of the complainant's protected status must be filed within **six months** of the date the complainant knew or should have known of the alleged conduct. The District can extend this deadline for 90 calendar days if there is good cause to do so. (5 CCR § 4630 (b).)

UCP complaints containing all other types of allegations must be filed within **one year** of the date the complainant knew or should have known of the alleged conduct. (5 CCR § 4630 (a).)

### **Timelines**

The District must investigate and prepare a written report within 60 calendar days, but this deadline may be extended by written agreement with the complainant.

### **Appeals**

A complainant not satisfied with the District's decision may, within 30 calendar days of receipt of the decision, **appeal** the decision to the California Department of Education (CDE) and shall receive a written decision regarding the appeal within 60 calendar days of the CDE's receipt of the appeal, but this deadline may be extended by written agreement with the complainant/appellant.

If the District finds merit in a complaint, or if the CDE finds merit in an appeal, the District shall provide a remedy to the affected student.

Appeals must:

- 1) Be in writing.
- 2) Specify the reason(s) for appealing the District's decision.
- 3) Include a copy of the original complaint and a copy of the District's decision.

### **Reconsideration**

If a complaint is denied, in full or in part, by the CDE, the complainant may request **reconsideration** by the State Superintendent of Public Instruction. (5 CCR § 4665.)

- Within **30 calendar days** of the date of the CDE's written appeal decision, either party may request **reconsideration**. (5 CCR § 4635(a).)
- The State Superintendent of Public Instruction must act on the **reconsideration** request within **60 calendar days**. (5 CCR § 4635(c).)

The CDE's appeal decision denying the complaint will remain in effect and enforceable unless and until the State Superintendent of Public Instruction modifies that decision.

### **Civil Law Remedies**

In addition to the above-described complaint procedure, or upon completion of that procedure, complainants may have civil law remedies. These civil law remedies can include, but are not limited to, injunctions and restraining orders. These civil law remedies are granted by a court of law and may be used, in part, to prevent the District from acting in an unlawful manner. Delay in pursuing civil law remedies before a court of law may result in loss of rights to those remedies.

Any questions regarding civil law remedies should be directed to an attorney. (Ed. Code, § 262.3(b), Cal. Code Regs., tit. 5, § 4622.)

## **X. Board Policies and Attachments**

### **Notification of Rights Under FERPA for Elementary and Secondary Schools**

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

These rights are:

- (1) The right to inspect and review the student's education records. Parents or eligible students should submit to the School principal or District Office a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
- (2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

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

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

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

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

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

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

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



**Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)**

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
  1. Political affiliations or beliefs of the student or student’s parent;
  2. Mental or psychological problems of the student or student’s family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or parents; or
  8. Income, other than as required by law to determine program eligibility.
  
- Receive notice and an opportunity to opt a student out of:
  1. Any other protected information survey, regardless of funding;
  2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screening, or any physical exam or screening permitted or required under State law; and
  3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
  
- Inspect, upon request and before administration or use:
  1. Protected information surveys of students;
  2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
  3. Instructional material used as part of the education curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law. San Mateo Union High School District will/has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. San Mateo Union High School District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. San Mateo Union High School District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt their child out of participation of the specific activity or survey. San Mateo Union High School District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school

year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys.

Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution
- Administration of any unprotected information survey not funded in whole or in part by the Department of Education.
- Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office, U.S. Department of Education  
400 Maryland Avenue, SW, Washington, D.C. 20202-5920

## **Students**

BP 5117(a)

### **Interdistrict Attendance**

The Governing Board recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

*(cf. 5111.1 - District Residency)*

*(cf. 5116.1 - Intradistrict Open Enrollment)*

### **Interdistrict Attendance Agreements and Permits**

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed upon by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

Because the district admits students in accordance with the school district of choice program, the Superintendent or designee shall not admit students based on individual interdistrict attendance permits pursuant to Education Code 46600-46610 except under extraordinary circumstances.

The Superintendent or designee shall keep an accounting of all requests for admittance through the school district of choice program, and a record of their disposition, including, but not limited to, all of the following: (Education Code 48313)

1. The number of requests granted, denied, or withdrawn and, for denied requests, the reason for the denial
2. The number of students transferred into and out of the district pursuant to this program
3. The race, ethnicity, gender, self-reported socioeconomic status, eligibility for free or reduced-price meals, and the district of residence for each student transferred into or out of the district pursuant to this program
4. The number of students transferred into or out of the district pursuant to this program who are classified as English learners or students with disabilities
5. As applicable, the number of students described in items #3 and 4 above who are provided transportation assistance to a district school or program, and the total number of students provided transportation assistance, pursuant to the school district of choice program.

The Superintendent or designee shall report to the Board, at a regularly scheduled meeting, the information specified in items #1-5 above. No later than October 15 of each year, the Superintendent or designee shall provide the same information for the current school year, as well as information regarding the district's status as a school district of choice in the upcoming school year, to each geographically adjacent school district, the county office of education, and the Superintendent of Public Instruction. (Education Code 48313)

The district's compliance with specified program requirements shall be reviewed as part of the annual district audit conducted pursuant to Education Code 41020. (Education Code 48301)

*(cf. 3460 - Financial Reports and Accountability)*

### **Transportation**

Upon parent/guardian request, the District shall provide transportation assistance to a student receiving an interdistrict transfer who is eligible for free and reduced price meals and is the child of an active duty military parent/guardian or a victim of bullying as defined but Education Code 46600. (EducationCode46600)

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

In addition, upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation for any interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

*Legal Reference:*

#### EDUCATION CODE

*8151 Apprentices, exemption from interdistrict attendance agreement*

*41020 Annual district audits*

*46600-46610 Interdistrict attendance agreements*

*48204 Residency requirements for school attendance*

*48300-48317 Student attendance alternatives, school district of choice program*

*48900 Grounds for suspension or expulsion; definition of bullying*

48915 *Expulsion; particular circumstances*  
48915.1 *Expelled individuals; enrollment in another district*  
48918 *Rules governing expulsion procedures*  
48980 *Notice at beginning of term*  
48985 *Notices to parents in language other than English*  
52317 *Regional occupational center/program, enrollment of students, interdistrict attendance*

#### CALIFORNIA CONSTITUTION

Article 1, Section 31 *Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin*

#### COURT DECISIONS

Walnut Valley Unified School District v. the Superior Court of Los Angeles County (2011) 192 Cal.App.4th 234  
Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275

#### ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)  
84 Ops.Cal.Atty.Gen. 198 (2001)

Management Resources:

Websites:

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

California Department of Education: <http://www.cde.ca.gov>

Policy updated: April 2, 2020

SAN MATEO UNION HIGH SCHOOL DISTRICT

## Students

BP 5116.1(a)

### Intradistrict Open Enrollment

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities and resources. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

(cf. 5116.2 - *Involuntary Student Transfers*)  
(cf. 5117 - *Interdistrict Attendance*)

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. (Education Code 35160.5)

(cf. 5111.1 - *District Residency*)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

### Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - *School Attendance Boundaries*)

The Superintendent or designee shall grant priority for the enrollment of a student in a district school outside of the student's attendance area, if the student:

1. Is enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992)

*(cf. 0450 - Comprehensive Safety Plan)*

2. Is a victim of a violent crime while on school grounds (20 USC 7912)
3. Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent/guardian's submission of a written complaint with the school, district, or local law enforcement agency pursuant to Education Code 234.1 (Education Code 46600)

If the district school requested by the student is at maximum capacity, the Superintendent or designee shall accept an intradistrict transfer request for another district school. (Education Code 46600)

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5131.2 - Bullying)*

4. Is currently enrolled in a district school identified by CDE for comprehensive support and improvement, with priority given to the lowest academically achieving students from low-income families as determined pursuant to 20 USC 6313(a)(3) (20 USC 6311)

*(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)*

5. Is experiencing special circumstances that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official or a social worker, or a properly licensed or registered professional, including, but not necessarily limited to, a psychiatrist, psychologist, marriage and family therapist, clinical social worker, or professional clinical counselor

- b. A court order, including a temporary restraining order and injunction

6. Is a sibling of another student already attending that school

7. Has a parent/guardian whose primary place of employment is that school

## **Application and Selection Process**

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law and Board policy, applications for intradistrict open enrollment shall be submitted between 11/30/2021 - 02/11/2022 of the school year preceding the school year for which the transfer is requested.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students shall be admitted whenever a district school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

BP 5116.1(c)

Enrollment decisions shall not be based on a student's academic or athletic performance. However, existing entrance criteria may be used for enrolling students in specialized schools or programs, provided that the criteria are uniformly applied to all applicants. In addition, academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

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

## **Transportation**

In general, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

However, upon parent/guardian request, the district shall provide transportation assistance to any student who is eligible for free or reduced-price meals and whose enrollment in a district school outside the student's attendance area is a result of being a victim of bullying. (Education Code 46600)

*(cf. 3250 - Transportation Fees)*

*(cf. 3540 - Transportation)*

### *Legal Reference:*

#### EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48980 Notice at beginning of term

#### CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

#### UNITED STATES CODE, TITLE 20

6311 State plans

6313 Eligibility of schools and school attendance areas; funding allocation

7912 Transfers from persistently dangerous schools

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Public School Choice FAQs

Every Student Succeeds Act - Update #8, July 14, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Unsafe School Choice Option, May 2004

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

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

Policy  
updated:

SAN MATEO UNION HIGH SCHOOL DISTRICT  
April 2, 2020

**SEXUAL HARASSMENT**

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

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

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

The district strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - Uniform Complaint Procedures, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's website, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

**Instruction/Information**

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained



4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

## **Disciplinary Actions**

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

*(cf. 5144 - Discipline)*

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

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

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

*(cf. 4117.7/4317.7 - Employment Status Report)*

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

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

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

## **Record-Keeping**

In accordance with law and district policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

*(cf. 3580 - District Records)*

*Legal Reference:*

### EDUCATION CODE

*200-262.4 Prohibition of discrimination on the basis of sex*

*48900 Grounds for suspension or expulsion*

*48900.2 Additional grounds for suspension or expulsion; sexual harassment*

48904 *Liability of parent/guardian for willful student misconduct*  
48980 *Notice at beginning of term*  
48985 *Notices, report, statements and records in primary language*  
CIVIL CODE  
51.9 *Liability for sexual harassment; business, service and professional relationships*  
1714.1 *Liability of parents/guardians for willful misconduct of minor*  
GOVERNMENT CODE  
12950.1 *Sexual harassment training*  
CODE OF REGULATIONS, TITLE 5  
4600-4670 *Uniform complaint procedures*  
4900-4965 *Nondiscrimination in elementary and secondary education programs*  
UNITED STATES CODE, TITLE 20  
1092 *Definition of sexual assault*  
1221 *Application of laws*  
1232g *Family Educational Rights and Privacy Act*  
1681-1688 *Title IX of the Education Amendments of 1972*  
UNITED STATES CODE, TITLE 34  
12291 *Definition of dating violence, domestic violence, and stalking*  
UNITED STATES CODE, TITLE 42  
1983 *Civil action for deprivation of rights*  
2000d-2000d-7 *Title VI, Civil Rights Act of 1964*  
2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 *Family Educational Rights and Privacy*  
106.1-106.82 *Nondiscrimination on the basis of sex in education programs*  
COURT DECISIONS  
*Donovan v. Poway Unified School District*, (2008) 167 Cal.App.4th 567  
*Flores v. Morgan Hill Unified School District*, (2003, 9th Cir.) 324 F.3d 1130  
*Reese v. Jefferson School District*, (2000, 9th Cir.) 208 F.3d 736  
*Davis v. Monroe County Board of Education*, (1999) 526 U.S. 629  
*Gebser v. Lago Vista Independent School District*, (1998) 524 U.S. 274  
*Oona by Kate S. v. McCaffrey*, (1998, 9th Cir.) 143 F.3d 473  
*Doe v. Petaluma City School District*, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS  
*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students*,  
Policy Brief, February 2014  
*Safe Schools: Strategies for Governing Boards to Ensure Student Success*, 2011  
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
*Q&A on Campus Sexual Misconduct*, September 2017

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS (continued)  
*Examples of Policies and Emerging Practices for Supporting Transgender Students*, May 2016  
*Dear Colleague Letter: Title IX Coordinators*, April 2015  
*Sexual Harassment: It's Not Academic*, September 2008  
*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, January 2001

WEB SITES

CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov>  
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy  
adopted: February 25, 2021

SAN MATEO UNION HIGH SCHOOL DISTRICT

**UNIFORM COMPLAINT PROCEDURES**

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

**Complaints Subject to UCP**

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

1.      Accommodations for pregnant and parenting students (Education Code 46015)  
*(cf. 5146 - Married/Pregnant/Parenting Students)*
2.      Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)  
*(cf. 6200 - Adult Education)*
3.      After School Education and Safety programs (Education Code 8482-8484.65)  
*(cf. 5148.2 - Before/After School Programs)*
4.      Agricultural career technical education (Education Code 52460-52462)
5.      Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)  
*(cf. 6178 - Career Technical Education)*  
*(cf. 6178.1 - Work-Based Learning)*
6.      Child care and development programs (Education Code 8200-8498)  
*(cf. 5148 - Child Care and Development)*
7.      Compensatory education (Education Code 54400)  
*(cf. 6171 - Title I Programs)*
8.      Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9.      Course periods without educational content, when students in grades 9-12 are assigned to such courses more than one week in any semester or in a course the student has previously satisfactorily completed, unless specified conditions are met (Education Code 51228.1-51228.3)  
*(cf. 6152 - Class Assignment)*
10.     Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color,

ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

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

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

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

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

12. Every Student Succeeds Act (Education Code 52059; 20 USC 6301 et seq.)

13. Local control and accountability plan (Education Code 52075)

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

14. Migrant education (Education Code 54440-54445)

*(cf. 6175 - Migrant Education Program)*

15. Physical education instructional minutes (Education Code 51210, 51222, 51223)

BP 1312.3(c)

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

16. Student fees (Education Code 49010-49013)

*(cf. 3260 - Fees and Charges)*

17. Reasonable accommodations to a lactating student (Education Code 222)

18. Regional occupational centers and programs (Education Code 52300-52334.7)

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

19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

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

20. School safety plans (Education Code 32280-32289)

*(cf. 0450 - Comprehensive Safety Plan)*

21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

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

22. State preschool programs (Education Code 8235-8239.1)

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

23. State preschool health and safety issues in license-exempt programs (Education Code 8235.5)

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

25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

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

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

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

*(cf. 5125 - Student Records)*

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

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

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

*(cf. 3580 - District Records)*

## Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)

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

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
3. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
4. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

5. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
6. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)
7. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

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

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination  
8200-8498 Child care and development programs  
8500-8538 Adult basic education  
18100-18203 School libraries  
32280-32289 School safety plan, uniform complaint procedures  
35186 Williams uniform complaint procedures  
46015 Parental leave for students  
48853-48853.5 Foster youth  
48985 Notices in language other than English  
49010-49014 Student fees  
49060-49079 Student records, especially:  
49069.5 Records of foster youth  
49490-49590 Child nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children  
51210 Courses of study grades 1-6  
51222 Physical education, secondary schools  
51223 Physical education, elementary schools  
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements  
51226-51226.1 Career technical education  
51228.1-51228.3 Course periods without educational content  
52059.5 Statewide system of support  
52060-52077 Local control and accountability plan, especially:  
52075 Complaint for lack of compliance with local control and accountability plan requirements  
52300-52462 Career technical education  
52500-52616.24 Adult schools  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process; school plan for student achievement  
65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state  
12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions  
1596.7925 California Child Day Care Act; health and safety regulations

PENAL CODE

422.55 Hate crime; definition  
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3200-3205 Special education compliance complaints  
4600-4670 Uniform complaint procedures  
4680-4687 Williams uniform complaint procedures  
4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs  
900-4965 Nondiscrimination in elementary and secondary education programs  
15580-15584 Child nutrition programs complaint procedures

UNITED STATES CODE, TITLE 20

1221 Application of laws  
1232g Family Educational Rights and Privacy Act  
1681-1688 Title IX of the Education Amendments of 1972  
6301-6576 Title I Improving the Academic Achievement of the Disadvantaged  
6801-7014 Title III language instruction for limited English proficient and immigrant students

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
6101-6107 Age Discrimination Act of 1975  
11431-11435 McKinney-Vento Homeless Assistance Act  
12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act  
100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:  
106.8 Designation of responsible employee for Title IX

- 106.9 Notification of nondiscrimination on basis of sex  
110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Uniform Complaint Procedure 2020-21 Program Instrument

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

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

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin

Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

Student Privacy Policy Office: <https://www2.ed.gov/about/offices/list/opepd/sppo>

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

U.S. Department of Justice: <http://www.justice.gov>

Policy SAN MATEO UNION HIGH SCHOOL DISTRICT  
adopted: March 11, 2021



## **UNIFORM COMPLAINT PROCEDURES**

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

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*  
*(cf. 4030 - Nondiscrimination in Employment)*

### **Compliance Officers**

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3  
Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and in AR 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment. The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*  
*(cf. 5145.71 - Title IX Sexual Harassment Complaints Procedures)*

Deputy Superintendent, Human Resources and Student Services  
Human Resources Generalist  
650 North Delaware Street  
San Mateo, CA 94401

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

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

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

*(cf. 4331 - Staff Development)*  
*(cf. 9124 - Attorney)*

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

## **Notifications**

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

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

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

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

*(cf. 5145.6 - Parental Notifications)*

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint must be filed no later than one year from the date the alleged violation occurred
4. A statement that, in the case of a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, a UCP complaint must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

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

*(cf. 3260 - Fees and Charges)*

7. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6173.2 - Education of Children of Military Families)*  
*(cf. 6173.3 - Education for Juvenile Court School Students)*  
*(cf. 6175 - Migrant Education Program)*

8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that the complainant has a right to appeal the district's investigation report to CDE for programs within the scope of the UCP by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable
11. A statement that copies of the district's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

*(cf. 1113 - District and School Web Sites)*  
*(cf. 1114 - District-Sponsored Social Media)*

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

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

### **Filing of Complaints**

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

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

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

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint

provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.

3. A UCP complaint shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
5. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
6. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

## **Mediation**

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

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

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

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

## **Investigation of Complaint**

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

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

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

## **Timeline for Investigation Report**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the investigation report at the same time it is provided to the complainant.

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

*(cf. 9321 - Closed Session)*

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

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant, shall be sent the district's investigation report, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

## **Investigation Report**

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

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

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the investigation report shall also be translated into that language pursuant to Education Code 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

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

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

## Corrective Actions

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

*(cf. 5137 - Positive School Climate)*

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

1. Counseling

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

2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

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

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team

*(cf. 6164.5 - Student Success Teams)*

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

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

7. Disciplinary action, such as suspension or expulsion, as permitted by law

*(cf. 5144 - Discipline)*

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

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

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

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

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

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 52075)

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

### **Appeals to the California Department of Education**

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including as least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the district's investigation report are not supported by substantial evidence.
4. The legal conclusion in the district's investigation report is inconsistent with the law.
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy.



Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

### **Health and Safety Complaints in License-Exempt Preschool Programs**

Any complaint regarding health or safety issues in a license-exempt CSPP program shall be addressed through the procedures described in 5 CCR 4690-4694.

In each license-exempt CSPP classroom, a notice shall be posted notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. (Education Code 8235.5; 5 CCR 4690)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint and shall contain a space to indicate whether the complainant desires a response to the complaint. If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. (Education Code 8235.5; 5 CCR 4690)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8235.5; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8235.5; 5 CCR 4692)

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled meeting and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8235.5; 5 CCR 4693, 4694)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools. (5 CCR 4693)

Regulation approved: SAN MATEO UNION HIGH SCHOOL DISTRICT  
March 11, 2021

## **Student Use of Technology BP 6163.4**

The Governing Board intends that technological resources provided by the district be used in a safe and responsible manner in support of the instructional program and for the advancement of student learning. All students using these resources shall receive instruction in their proper and appropriate use.

Teachers, administrators, and/or library media specialists are expected to review the technological resources and online sites that will be used in the classroom or assigned to students in order to ensure that they are appropriate for the intended purpose and the age of the students.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district technology, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with this Board policy and the district's Acceptable Use Agreement.

*District technology* includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

Before a student is authorized to use district technology, the student and their parent/guardian shall sign and return the Acceptable Use Agreement. In that agreement, the parent/guardian shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures or user mistakes or negligence and shall agree to indemnify and hold harmless the district and district staff for any damages or costs incurred.

The district reserves the right to monitor student use of technology within the jurisdiction of the district without advance notice or consent. Students shall be informed that their use of district technology, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, is not private and may be accessed by the district for the purpose of ensuring proper use. Students have no reasonable **expectation of privacy** in use of the district technology. Students' personally owned devices shall not be searched except in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, district policy, or school rules.

The Superintendent or designee may gather and maintain information pertaining directly to school safety or student safety from the social media activity of any district student in accordance with Education Code 49073.6 and BP/AR 5125 - Student Records.

Whenever a student is found to have violated Board policy or the district's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy. The Superintendent or designee, with input from students and appropriate staff, shall regularly review and update procedures to enhance the safety and security of students using district technology and to help ensure that the district adapts to changing technologies and circumstances.

### **Internet Safety**

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777; 47 USC 254; 47 CFR 54.520)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities.

*Harmful matter* includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The district's Acceptable Use Agreement shall establish expectations for appropriate student conduct when using the Internet or other forms of electronic communication, including, but not limited to, prohibitions against:

1. Accessing, posting, submitting, publishing, or displaying harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs
2. Intentionally uploading, downloading, or creating computer viruses and/or maliciously attempting to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking"
3. Distributing personal identification information, including the name, address, telephone number, Social Security number, or other personally identifiable information, of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person

The Superintendent or designee may provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting one's own personal identification information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

For more legal reference and education code, please click:

<http://www.gamutonline.net/district/sanmateounionhdsd/DisplayPolicy/652856/6>

**Bullying**

The Governing Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

*(cf. 5131 - Conduct)*

*(cf. 5136 - Gangs)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

*(cf. 1220 - Citizen Advisory Committees)*

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

*(cf. 6020 - Parent Involvement)*

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

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

*(cf. 0450 - Comprehensive Safety Plan)*

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

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

*(cf. 1312.3 - Uniform Complaint Procedures)*

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600,

the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict Attendance)*

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)  
(cf. 4119.21/4219.21/4319.21 - Professional Standards)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination  
32282 Comprehensive safety plan  
32283.5 Bullying; online training  
35181 Governing board policy on responsibilities of students  
35291-35291.5 Rules  
46600 Student transfers  
48900-48925 Suspension or expulsion  
48985 Translation of notices  
52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime  
647 Use of camera or other instrument to invade person's privacy; misdemeanor  
647.7 Use of camera or other instrument to invade person's privacy; punishment  
653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

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

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

Management Resources:

CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

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

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying Module

California's Social and Emotional Learning: Guiding Principles, 2018

Social and Emotional Learning in California: A Guide to Resources, 2018

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

Bullying at School, 2003

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

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Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Guidance to America's Schools: Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

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

California Office of the Attorney General: <http://oag.ca.gov>

Center on Great Teachers and Leaders: <https://gtlcenter.org>

Collaborative for Academic Social and Emotional Learning: <https://casel.org>

Common Sense Media: <http://www.commonsensemedia.org>

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

Partnership for Children and Youth: <https://www.partnerforchildren.org>

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

Policy  
updated:

SAN MATEO UNION HIGH SCHOOL DISTRICT  
May 7, 2020

## **EDUCATION CODE SECTION 49073**

School districts shall adopt a policy identifying those categories of directory information as defined in subdivision (c) of Section 49061 that may be released. The school district shall determine which individuals, officials, or organizations may receive directory information. However, no information may be released to a private profitmaking entity other than employers, prospective employers, and representatives of the news media, including, but not limited to, newspapers, magazines, and radio and television stations. The names and addresses of pupils enrolled in grade 12 or who have terminated enrollment before graduation may be provided to a private school or college operating under Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 or its authorized representative. However, no such private school or college shall use that information for other than purposes directly related to the academic or professional goals of the institution, and a violation of this provision is a misdemeanor, punishable by a fine of not to exceed two thousand five hundred dollars (\$2,500). In addition, the privilege of the private school or college to receive the information shall be suspended for a period of two years from the time of discovery of the misuse of the information. Any school district may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based upon a determination of the best interests of pupils.

(b) Directory information may be released according to local policy as to any pupil or former pupil. However, notice shall be given at least on an annual basis of the categories of information that the school district plans to release and of the recipients. Directory information shall not be released regarding a pupil if a parent of that pupil has notified the school district that the information shall not be released.

(c) Directory information shall not be released regarding a pupil identified as a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 USC. Sec. 11434a(2)), unless a parent, or pupil accorded parental rights, as identified in the federal Family Educational Rights and Privacy Act (20 USC. Sec. 1232g), has provided written consent that directory information may be released.