

**CLOVIS**

**U N I F I E D**

**SCHOOL DISTRICT**

**2023- 2024**

**STUDENT AND PARENT  
RIGHTS AND RESPONSIBILITIES  
HANDBOOK**

**Annual Parent and Student  
Rights Notification**

An electronic version of the handbook can be found at:  
<https://www.cusd.com/StudentRightsResponsibilities.aspx>



July 1, 2023

Dear Parent or Guardian,

Welcome to the 2023-2024 school year! We look forward to partnering with you in the education of your child in the upcoming year.

For our students to be successful, it is important that everyone on the educational team, which is a collaboration of all Clovis Unified School District employees, parents and guardians, be informed of policies and practices that affect students. It is our hope that the information in this Student and Parent Rights and Responsibilities Handbook will serve as an effective resource to answer any questions or concerns you may have throughout the school year. It is easily accessible all year at [www.cusd.StudentandParentRightsResponsibilities](http://www.cusd.StudentandParentRightsResponsibilities) or by asking your school office staff for a copy.

This handbook is designed to give you a brief summary of the rights and responsibilities that you and your child have within Clovis Unified School District. In the following pages, you will find key policies and laws that affect your child's education; processes for accessing services; and procedures for finding answers to questions or voicing concerns. Please consult the District's website ([www.cusd.com](http://www.cusd.com)) or your local school for detailed information, which is updated throughout the year. Of special interest, this booklet contains information on:

- Governing Board Policies and Administrative Regulations
- California Education Codes
- Special Education, Categorical Funding and Child Development
- Dress Code
- Student Discipline

It is our ongoing goal to provide a safe and positive learning environment for your child, a mission that we take very seriously. In fact, we consider it a vital part of maximizing your child's achievement in school. Therefore, this handbook also directs you to resources relating to policies adopted by the Governing Board to identify and avoid any forms of harassment, hate-motivated behavior and/or discrimination in our schools.

Thank you for being part of our team and our mission to be a quality educational system that aims to provide the opportunity for all students to reach their potential in mind, body and spirit. Together, we can help every child be successful.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corrine Folmer".

Corrine Folmer, Ed.D.  
Superintendent

#### **Governing Board**

Hugh Awtrey  
Deena L. Combs-Flores  
David DeFrank  
Steven G. Fogg, M.D.  
Yolanda Moore  
Clinton Olivier  
Tiffany Stoker Madsen

#### **Administration**

Corrine Folmer, Ed.D.  
*Superintendent*

Nom Anderson  
*Deputy Superintendent*

Marc Hammack, Ed.D.  
*Associate Superintendent*

Barry S. Jager, Jr.  
*Associate Superintendent*

Michael Johnston  
*Associate Superintendent*

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# **STUDENT AND PARENT RIGHTS AND RESPONSIBILITIES HANDBOOK**

## **TABLE OF CONTENTS**

**\*\*ADDITIONS AND CHANGES TO STUDENT AND PARENT RIGHTS AND RESPONSIBILITIES HANDBOOK\*\*** ..... 2

**A. NOTICE OF PARENTAL RIGHTS** ..... 3

- **A1. STUDENT DISCIPLINE AND ATTENDANCE** ..... 3
- **A2. STUDENT HEALTH** ..... 6
- **A3. STUDENT RECORDS** ..... 8
- **A4. STUDENT INSTRUCTION** ..... 9
- **A5. COLLEGE ADMISSIONS AND CAREER TECHNICAL EDUCATION ANNUAL NOTIFICATION** ..... 11
- **A6. MISCELLANEOUS** ..... 11

**B. ATTENDANCE & PROGRAMS** ..... 17

- **B1. ADMISSIONS RESIDENCY AND ATTENDANCE/ OPEN ENROLLMENT WITHIN THE DISTRICT**  
*Board Policy/Administrative Regulation/Exhibit No.5116.1* ..... 17
- **B2. INTRADISTRICT TRANSFERS DURING THE SCHOOL YEAR**  
*Board Policy/Administrative Regulation No. 5116.1* ..... 17
- **B3. INTERDISTRICT TRANSFERS DURING THE SCHOOL YEAR**  
*Board Policy/Administrative Regulation No. 5117* ..... 17
- **B4. NOTICE OF ALTERNATIVE SCHOOLS**  
*Educ. Code § 58501* ..... 18
- **B5. CLOVIS COMMUNITY DAY SCHOOLS**  
*Educ. Code § 48660-48667* ..... 18
- **B6. SCHOOL ACCOUNTABILITY REPORT CARD**  
*Educ. Code § 35256(c)* ..... 20
- **B7. SPECIAL EDUCATION INFORMATION/SECTION 504** ..... 20
- **B8. CUSD CATEGORICAL FUNDED PROGRAM INFORMATION** ..... 21
- **B9. EXPANDED LEARNING CLUB INFORMATION** ..... 24
- **B10. PREGNANT AND PARENTING STUDENT RIGHTS**  
*Educ. Code § 221.51* ..... 25
- **B11. STUDENT MENTAL HEALTH SERVICES** ..... 26
- **B12. STUDENTS IN ACTIVE DUTY MILITARY FAMILIES / RESIDENCY RETENTION AND MATRICULATION** ..... 27

**C. ABSENCES** ..... 27

- **C1. EXCUSED ABSENCES**  
*Educ. Code § 48205* ..... 27
- **C2. CLEARING ABSENCES**  
*Administrative Regulation No. 5113, Section D* ..... 28

**D. DISCIPLINE RULES** ..... 29

- **D1. STUDENT CELL PHONE USAGE** ..... 29
- **D2. BULLYING**  
*Board Policy/Administrative Regulation No. 5131.2* ..... 29
- **D3. STUDENT SEARCHES**  
*Board Policy/Administrative Regulation No. 5145.12* ..... 29
- **D4. STUDENT DISCIPLINE**  
*Board Policy/Administrative Regulation No. 5144* ..... 29

• D5. STUDENT DISCIPLINE - ZERO TOLERANCE <i>Board Policy/Administrative Regulation No. 5144.10</i> .....	29
• D6. DRESS AND GROOMING <i>Board Policy/Administrative Regulation No. 5132</i> .....	29
• D7. ALCOHOL, TOBACCO & OTHER DRUG INTERVENTION <i>Board Policy/Administrative Prevention/Regulation No. 5131.6</i> .....	29
• D8. SEXUAL HARASSMENT <i>Board Policy/Administrative Regulation No. 5145.7</i> .....	29
E. SAFETY ISSUES .....	29
• E1. CIVIL DEFENSE PLAN: EMERGENCY PROCEDURES .....	29
• E2. MEGAN'S LAW NOTIFICATION.....	30
• E3. NOTIFICATION OF PLANNED PESTICIDE USE .....	31
• E4. CALIFORNIA LAW REGARDING SAFE STORAGE OF FIREARMS .....	33
F. CURRICULUM .....	34
• F1. ACCEPTABLE USE OF ELECTRONIC INFORMATION RESOURCES <i>Board Policy/Administrative Regulation No. 6163.4</i> .....	34
• F2. INSTRUCTIONAL MATERIALS AND EQUIPMENT LITERATURE/SUPPLEMENTAL MATERIALS <i>Exhibit No. 6161.11 (3)</i> .....	34
G. STUDENT RECORDS .....	34
• G1. STUDENT RECORDS ACCESS AND PRIVACY RIGHTS OF PARENTS AND STUDENTS <i>Board Policy/Administrative Regulation No. 5125</i> .....	34
H. COMPLAINTS .....	34
• H1. UNIFORM COMPLAINT PROCEDURES — PROGRAMS <i>Board Policy/Administrative Regulation No. 1312.3</i> .....	34
• H2. NON-DISCRIMINATION, HIRING PRACTICE AND PROCEDURES, SEXUAL HARASSMENT, TITLE IX COMPLAINT PROCEDURES - NOTIFICATION STATEMENT .....	34
• H3. UNIFORM COMPLAINT PROCEDURES REGARDING AREAS INCLUDED IN THE WILLIAMS SETTLEMENT <i>Board Policy/Administrative Regulation No. 1312.4</i> .....	34
• H4. OTHER COMPLAINT PROCEDURES <i>Board Policy/Administrative Regulation Nos. 1312.1, 1312.2, and 6159.1</i> .....	35
• H5. PARENT INVOLVEMENT <i>Board Policy/Administrative Regulation No. 6020</i> .....	35
I. BUS TRANSPORTATION.....	35
• I1. BUS TRANSPORTATION INFORMATION.....	35
• I2. REQUIREMENTS FOR RIDING A SCHOOL BUS .....	35
• I3. POSTED BUS RULES OF CONDUCT .....	36
• I4. PROCEDURE FOR ISSUING A WARNING OF UNSATISFACTORY CONDUCT ON OR NEAR A SCHOOL BUS .....	37
• I5. BUS DISCIPLINE PROCEDURES .....	38
• I6. PROCEDURES FOR OPERATION OF SCHOOL BUSES AND SPAB/CHARTER OPERATIONS WHEN ATMOSPHERIC CONDITIONS REDUCE VISIBILITY TO 200 FEET OR LESS.....	38
• I7. WALKING TO AND FROM SCHOOL BUS STOPS .....	39
• I8. RED LIGHT ESCORT CROSSING INFORMATION .....	39
• I9. SCHOOL BUS DANGER ZONES .....	39

---

---

• I10. SAFE RIDING PRACTICES AND EMERGENCY PROCEDURES.....	40
• I11. TRANSPORTATION OF STUDENTS BY PRIVATE VEHICLE	
<i>Board Policy No. 3541.1</i> .....	40
J. APPENDIX .....	41

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References to Board Policies and Laws:

- CUSD’s board policies and administrative regulations may be amended from time to time. CUSD continues its process of renumbering and updating its administrative regulations. Therefore, some of the administrative regulations referenced in this handbook may not be attached. Current board policies and administrative regulations may be accessed by calling your school or online at <https://boardpolicies.cusd.com/ClovisUnifiedBoardPolicies.aspx>.
- References to the Education Code and other laws in this handbook are subject to change as state and federal laws are passed or amended. If there is any conflict between any provision in this handbook and any provision in applicable laws, the provision in the applicable law shall govern. The Education Code can be accessed online at [www.leginfo.ca.gov/faces/codes.html](http://www.leginfo.ca.gov/faces/codes.html) or by calling the California Department of Education at (916) 319-0800.

Notice of Non-Discrimination:

The Clovis Unified School District prohibits discrimination, intimidation, harassment (including sexual harassment) or bullying based on a person’s actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. Discrimination is also prohibited on other basis protected by federal, state, or local law, ordinance, or regulation. The above prohibition applies to all acts related to school activity or school attendance within a school under the jurisdiction of the CUSD. See Board Policies No. 4030 – Nondiscrimination in Employment; 5145.3 – Non-Discrimination/Harassment; and 5145.7 – Sexual Harassment. For questions or complaints, contact: Equity Compliance Officer - Norm Anderson, Deputy Superintendent, 1450 Herndon Avenue, Clovis, CA 93611, (559) 327-9000, NormAnderson@cusd.com; Title IX Coordinator, Human Resources - Shareen Crosby, Risk Manager, 1450 Herndon Avenue, Clovis, CA 93611, (559) 327-9000, SharenCrosby@cusd.com; Title IX Coordinator, Students - Russ Harding, Student Services and School Attendance Assistant Director, 1465 David E. Cook Way, Clovis, CA 93611, (559) 327-9200, RussHarding@cusd.com; Title IX Coordinator, Athletics/Sports - Steve France, Assistant Superintendent, Education Services, 1450 Herndon Avenue, Clovis, CA 93611, (559) 327-9380, SteveFrance@cusd.com; Section 504 Coordinator - Wendy Karsevar, 1680 Herndon Avenue, Clovis, CA 93611, (559) 327-9400, WendyKarsevar@cusd.com. For questions about general student concerns, contact Associate Superintendent of School Leadership, Marc Hammack, Ed.D., at (559) 327-9350. For questions regarding Special Education, contact Administrator for SELPA and Legal Compliance Theresa Pafford at (559) 327-9400.

**Si necesita ayuda para leer esta carta llame por favor a la escuela.  
Yog koj xa kom pab pab koj txog daim ntawv no thov hu tuaj rau pab.**

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**ADDITIONS AND CHANGES TO  
STUDENT AND PARENT RIGHTS AND RESPONSIBILITIES HANDBOOK**

While all enclosed information is relevant to the education of your student, of particular note are the following changes from last year's 2022 – 2023 Student and Parent Rights and Responsibilities Handbook:

1. CUSD has renumbered and updated its board policies and administrative regulations. The most recent board policies and administrative regulations may be accessed at <https://boardpolicies.cusd.com/ClovisUnifiedBoardPolicies.aspx>.
2. Board policies and administrative regulations are listed in the Appendix – Board Policies, Administrative Regulations, and Exhibits and are included as part of the Appendix. CUSD is continuing its process of updating its administrative regulations. Therefore, some administrative regulations and exhibits referenced in this handbook may not be included. The most recent board policies and administrative regulations may be accessed at <https://boardpolicies.cusd.com/ClovisUnifiedBoardPolicies.aspx>.
3. Assembly Bill No. 452 (Education Code §§ 48986 – 49395) and Senate Bill No. 906 (Education Code § 49390) require school districts and other local educational agencies, commencing with the 2023 – 2024 school year, to include in the annual notification to parents and guardians of pupils in kindergarten through grade 12 information related to the safe storage of firearms. The information is provided under E4 below. The CDE's Memorandum regarding California Law Regarding Safe Storage of Firearms can be found [here](#) (English) and [here](#) (Spanish).

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## **A. NOTICE OF PARENTAL RIGHTS**

The following is a list of the rights you have as a parent or guardian of a child in public school. The rights listed are granted by federal or state laws and regulations.

### **A1. Student Discipline and Attendance.** You have the right as a parent:

To obtain a copy of the governing board's rules and regulations on student discipline. (Educ. Code § 35291) Board Policy and Administrative Regulation No. 5144 – Student Discipline can be accessed at: <https://boardpolicies.cusd.com/ClovisUnifiedBoardPolicies.aspx>.

To be informed that you may be required to attend your child's class if he or she is suspended for unruly or disruptive conduct. (Educ. Code §§ 48900.1, 48914)

To apply for enrollment of your child in a district whose boundaries in which you are employed at least 10 hours per school week; however, the district may have the right to deny the application under certain conditions. (Educ. Code § 48204(b))

To apply for enrollment of your child in a school district in which you are employed and where you and your child live at your place of employment for a minimum of three days during the school week. (Educ. Code § 48204(a)(7))

To be informed that a student complies with a school district's residency requirements for school attendance if the student's parent 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 CUSD, and for course registration. The parent must provide proof of residency in CUSD within 10 days after the published arrival date provided on official documentation. (Educ. Code § 48204.3)

To request information about enrollment in alternative schools. (Educ. Code § 58501) Please see B4.

To excuse a child from school to attend religious exercises or classes upon written notice. Such absences may not exceed four days per month. An excused child must nevertheless maintain his or her attendance at the minimum level of school days required for his or her grade. (Educ. Code § 46014)

To excuse a child from school for justifiable personal reasons upon written notice and approval by the principal or designated representative. Personal reasons may include attendance at a religious retreat, not to exceed four hours per semester, and the observance of a religious holiday or ceremony. (Educ. Code § 48205)

To be informed that the Governing Board, pursuant to Education Code section 44808.5, has decided to permit seniors enrolled at each high school to leave their respective school grounds during the lunch period only. Neither CUSD nor any officer or employee thereof will be liable for the conduct or safety of any high school student during such time as the student has left the school grounds. (Educ. Code § 44808.5)

To receive the CUSD's board policy on sexual harassment as it relates to students. (Educ. Code §§ 231.5 and 48980(g)) Please see D7, Sexual Harassment.

To receive notification of all current statutory attendance options and local attendance options. Parents will receive a written description of all options for meeting residency requirements for school attendance, all programmatic options offered within the local attendance areas, and any special programmatic options available on both an inter-district



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and intra-district basis. The notice will include a description of the procedure for application for alternative attendance areas or programs, an application form for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. (Educ. Code § 48980 (h), (i)) Please see B1.

Temporary Disability/Individual Instruction: To be informed that a student whose temporary disability makes school attendance impossible or inadvisable, must receive individual 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. (Educ. Code § 48206.3(b)(2)) 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. (Educ. Code § 48207) 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. (Educ. Code § 48208) 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. (Educ. Code § 48207.5) 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. (Educ. Code § 48207.3) Students enrolled in individual instruction in a hospital or other residential health facility for a partial week are entitled to attend school in his/her 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 he or she is not receiving individual instruction in a hospital or other residential health facility, if s/he is 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. (Educ. Code § 48240 (c))

To be given at least six months' notice if CUSD adopts a dress code policy that requires students to wear uniforms. Parents are also entitled to notice of the availability of resources to assist economically disadvantaged students. (Educ. Code § 35183)

To be informed that CUSD will notify your child's teacher(s), in confidence, if your child has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions, except subdivision (h), of Education Code section 48900 or in section 48900.2, 48900.3, 48900.4, or 48900.7. CUSD will also notify appropriate staff members of information about your child received from the court or law enforcement agency. The information provided to the teacher(s) and staff members will be based on written records that CUSD maintains or receives from the court or a law enforcement agency regarding your child. (Educ. Code §§ 48267, 49079)

Foster Youth: To be informed that foster children must be allowed to continue their education at their school of origin. When a student's foster student status is terminated by the juvenile court during the school year, former foster students in grades K-8 must be allowed to finish the school year in their school of origin. Former foster students in high school must be allowed to continue attending their schools of origin through graduation.

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(Educ. Code §§ 48204(a)(2), 48853.5(e))

Residency Retention for the Students of Detained or Deported Parents: To be informed that 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.
- 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. This 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. (Educ. Code § 48204.4)

Residency Retention for Migratory Children: 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-8 grade students to continue in their schools of origin for the remainder of that school year; and (2) allow 9-12 grader students 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. Immigration Enforcement - "Know your Rights":

Your Child has the Right to a Free Public Education.

- All children in the United States have a constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the students' parents or guardians.
- In California:
  - All children have the right to a free public education.
  - All children ages 6 to 18 years must be enrolled in school.
  - All students and staff have the right to attend safe, secure, and peaceful schools.
  - All students have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
  - All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

Information Required for School Enrollment

- When enrolling a child, schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency.

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- You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a social security number to have your child enrolled in school.

#### Confidentiality of Personal Information

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
- Some schools collect and provide publicly basic student “directory information.” If they do, then each year, your child’s school district must provide parents/guardians with written notice of the school’s directory information policy, and let you know of your option to refuse release of your child’s information in the directory.

#### Family Safety Plans if You Are Detained or Deported

- You have the option to provide your child’s school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.
- You have the option to complete a Caregiver’s Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

#### Right to File a Complaint

- Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.

For more information, please see the resources developed by the California Attorney General at <https://oag.ca.gov/immigrant/resources>. (Educ. Code § 234.7)

Additional detailed information on reasons for suspension and expulsion can be found in Education Code section 48900 at <https://leginfo.legislature.ca.gov/faces/codes.xhtml>.

#### **A2. Student Health.** You have the right as a parent:

To be informed that school authorities will notify students in grades 7 to 12 that they may be excused from school for the purpose of obtaining confidential medical services without your consent. (Educ. Code § 46010.1)

To be informed that your child must be immunized against certain diseases before being admitted to school, unless exempted pursuant to applicable laws.

Religious and Personal Beliefs Exemptions: 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 6<sup>th</sup> grade, and (3) 7<sup>th</sup> through 12<sup>th</sup> grade.

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Students who entered CUSD for the first time, or who advanced to 7th grade, after July 1, 2016 are no longer exempt from immunizations based on religious or personal beliefs.

Medical Exemptions: 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, CUSD will only accept medical exemptions that are submitted on the California Department of Public Health's standardized, statewide medical exemption certification form. (Health and Safety Code §§ 120370(a)(2), 120372(a))

Students who have an individualized education program (IEP) will continue to receive all necessary services identified in their IEP regardless of their vaccination status. (Educ. Code § 48216, Health and Safety Code § 120335, 120370)

To consent to the immunization of your child whenever the immunization of children is permitted at CUSD. (Educ. Code § 49403) Additional information, policies or notices will be provided when such activity takes place.

To request assistance in administering prescription or over the counter medication to your child during school hours. Such assistance requires your written authorization and written authorization of a physician or surgeon or an order from an authorized physician's assistant or nurse practitioner detailing the medication name, method, amount, and time schedules for taking the medication. Medication must be in the original container. (Educ. Code §§ 49423 and 48980; 5 Cal. Code Regs. §§ 600-611) More details are set forth in Board Policy and Administrative Regulation No. 5141.21.

To provide a written statement to CUSD allowing your child to carry and self-administer auto-injectable epinephrine and/or inhaled asthma medication. A California board certified physician or surgeon's written statement confirming that your child is able to self-administer the medication and detailing the name of the medication, the method, amount and time schedules for administration must also accompany the request. In the case of auto-injectable epinephrine, a physician's assistant or nurse practitioner may also provide this written statement. The parent or guardian must also: (1) consent in writing to the self-administration, (2) provide a release for the school nurse or other designated school personnel allowing them to consult with the student's physician, and (3) agree to release CUSD and school personnel from civil liability in the event of an adverse reaction to the medication. These written statements must be provided to the school at the beginning of each school year or more frequently if the medication, dosage, frequency of, or reason for, the administration changes. (Educ. Code §§ 48980, 49423) More details are set forth in Board Policy and Administrative Regulation No. 5141.21.

To be informed of your obligation to notify appropriate school personnel (e.g., school nurse or designated employee) of your child's continuing medication regimen for a non-episodic condition. With your consent, the school nurse may communicate with your child's physician and may counsel school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose. (Educ. Code § 49480) More details are set forth in Board Policy and Administrative Regulation No. 5141.21.

To be informed that site emergency epinephrine auto-injectors are available to school nurses and trained voluntary personnel to be used to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Educ. Code § 49414) More details are set forth in Board Policy and Administrative Regulation No. 5141.21.

To exempt your child from any physical examination upon your written notification. California

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mandated screenings for dental, vision, and hearing are performed periodically and may be waived also with written notification. However, where there is good reason to believe that your child is suffering from a recognized contagious or infectious disease, your child will be sent home and will not be permitted to return until school authorities are satisfied that any contagious or infectious disease does not exist. (Educ. Code §§ 49451 and 48980)

To purchase insurance for medical and hospital services for your child's injuries while participating in athletic activities since CUSD does not provide such medical and hospital services. (Educ. Code §§ 49471, 49472, 48980)

To obtain information and apply for participation in the Free and Reduced Lunch Program offered by CUSD to provide nutritional meals to needy pupils. (Educ. Code § 49510 et seq) Application located through Parent Connect at [qweb.clovisusd.k12.ca.us/ParentPortal/](http://qweb.clovisusd.k12.ca.us/ParentPortal/).

Campus Catering shall conduct automated data matching using information provided by the California Longitudinal Pupil Achievement Data System (CALPADS) to attempt to directly certify pupils/families with unpaid meal charges for free and reduced-price meal benefits. If a student does not qualify for a free and reduced meal and a meal account carries a negative balance, Campus Catering, in collaboration with the site, shall notify parents of the negative balance through a letter sent to the home address, a phone call or text message, or an email to the parent or guardian as notification of unpaid meal charges. Under Board Policy No. 3551 – Food Service Operations/Cafeteria Fund, the parents/guardians of a student shall be responsible for paying to CUSD the cost of meals provided by Campus Catering. If there are unpaid meal charges on the student meal account, the parents/guardians shall be responsible for outstanding meal charges.

To be notified of all pesticides that CUSD expects to apply during the year. Please contact the Plant Operations Department at (559) 327-9492 if you wish to receive written notification at least 72 hours prior to the application of an individual pesticide at your school. Each school will maintain a list of parents or guardians who want to be notified before individual pesticide applications are made. Prior to the application of any pesticide, CUSD will post a warning sign at the area to be treated at least 24 hours prior to the pesticide application and such sign will remain posted for at least 72 hours after the application. In the event of an emergency condition, advance notification and prior sign posting may not be feasible but a warning sign will be posted immediately upon application of the pesticide. For additional information regarding pesticides and pesticide use, please visit the Department of Pesticide Regulation's website at [www.cdpr.ca.gov](http://www.cdpr.ca.gov). (Educ. Code §§ 48980.3, 17612) Please refer to the Notification of Planned Pesticide Use in E3.

**A3. Student Records.** You have the right as a parent:

To be notified of CUSD board policies concerning student records maintained by CUSD. (Educ. Code § 49063; 34 Code of Federal Reg. Part 99.7) Please see G1.

To know that your child's right to privacy prohibits the release of confidential information in your child's records to individuals other than yourself, your child (if 16 or older or having completed the 10th grade), or certain authorized individuals. (Educ. Code. §§ 49060 et seq) Certain entities, such as military recruiters and institutions of higher education, are authorized under federal law to access student directory information unless the parents request in writing that the student's name, address, and telephone number not be released without prior written consent. Parents' choice to withhold directory information should be indicated on the Pupil Release of Information Card (Green Card) included in the annual registration materials and returned to your child's school at the start of each school year. (20 U.S.C. § 1232g; 20 U.S.C. 7908; 34 C.F.R. § 99.37(a)(3))

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To be made aware of the following Homeless Students/Release of Directory Information: Written consent of the parent or that of the student, if accorded parental rights, must be obtained before directory information pertaining to a homeless student may be released. (Educ. Code § 49073(c); 20 USC § 1232g)

To consent to disclosure of personally identifiable information contained in your child's records, except to the extent disclosure without consent is permitted by law (e.g., subpoena, or court order). (Educ. Code § 49076 et seq)

To file a complaint with the United States Department of Health, Education, and Welfare concerning alleged failure by CUSD to comply with the requirements of the General Education Provisions Act (20 U.S.C. § 1232(e)). To file a complaint with the United States Department of Education concerning alleged failures by CUSD to comply with the requirements of the Family Educational Rights and Privacy Act (FERPA). The name and address of the office that administers FERPA are: Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-5920. (Educ. Code § 49063(j))

School officials may be authorized to inspect student records if a legitimate educational interest exists and if the official needs to review an educational record to fulfill his or her professional responsibilities. A school official is a person employed by CUSD as an administrator, supervisor, instructor, support staff member (including health or medical staff and law enforcement unit personnel), a person serving on the governing board, a person or company with whom CUSD has contracted to perform a special task (such as attorney, auditor, consultant, or therapist), or a parent or student serving on an official committee (such as a disciplinary or grievance committee), or assisting another school official in performing his or her tasks. (FERPA, 34 C.F.R. Part 99.7(a)(3)(iii) and 99.31(a)(1); Educ. Code §§ 49063(d), 49064, 49076)

CUSD 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. (FERPA, 34 C.F.R. Part 99.7, 99.34(a)(ii))

**A4. Student Instruction.** You have the right as a parent:

To substantiate your child's moral objection to dissecting, destroying, or otherwise harming animals as part of an education project. Teachers of courses utilizing dead animals or animal parts will inform students of their right to object to participate in a particular project involving the harmful or destructive use of animals. Your written note attesting to your child's objection may, at the teacher's option, entitle your child to participation in an alternative education project or to be excused from the project altogether. (Educ. Code § 32255–32255.6)

To have your child with a temporary disability receive individual instruction if attendance at school is impossible or inadvisable and to be informed of your obligation to notify CUSD of your child's presence in a qualifying hospital. Individual instruction may be provided at your child's home or in a hospital or other residential health facility. (Educ. Code § 48206.3 et seq., 48208) For further information, please refer to A.1, Paragraph 12 above.

To be informed of CUSD programs for students with exceptional needs, including your right to have your child placed in an appropriate program and to be consulted about the assessment and placement of your child. Students with exceptional needs have a right to a free appropriate public education and, as authorized by law and in accordance with a student's individualized education program, to be exempted from certain coursework and requirements. (Educ. Code § 56000 et seq, 51225.31)

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To be informed, in writing, of comprehensive sexual health education and HIV/AIDS prevention education and research on student health behaviors planned for the coming year. You also have the right to: (a) inspect the written and audiovisual education materials used for this instruction and to request a copy of Education Code sections 51930-51939; (b) be informed whether this instruction will be taught by CUSD personnel or by outside consultants; and (c) request in writing that your child be excused from all or part of any comprehensive sexual health education/HIV prevention education. This notice does not apply to human reproductive organs that may appear in textbooks, adopted pursuant to law, if the textbook does not include other elements of comprehensive sexual health education or HIV prevention education. (Educ. Code §§ 51937, 51938, 51939, 48980) Additional information, policies or notices will be provided when such activity takes place or before the particular subject is taught.

To request in writing that your student be excused from any part of a school's instruction in health which conflicts with your religious training and beliefs. (Educ. Code § 51240)

To be notified and have a conference scheduled when a teacher has determined that your child is in danger of failing a course. (Educ. Code §§ 49063, 49067)

To have no test, questionnaire, survey or examination which has questions about your or your child's beliefs and practices in sex, family life, morality, religion, political affiliations or beliefs, illegal, anti-social, self-incriminating or demeaning behavior, mental or psychological problems, legally recognized privileged relationships (such as lawyer, physician, or minister), critical appraisals of individuals with whom you have close family relationships, or income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) be administered without prior notification and written permission of the parent or guardian. Parents may inspect all instructional materials, including teacher's manuals, films, tapes or other supplementary material to be used in connection with any survey, analysis or evaluation. (Educ. Code §§ 51513, 60614; 20 U.S.C. 1232h(a), (b))

To request a meeting to review instructional materials and discuss the curriculum of your child's course. (Educ. Code §§ 49063(k) and 49091.14; Every Student Succeeds Act, 114 P.L. 95, 129 Stat. 1802, 2015 Enacted S. 1177, 114 Enacted S. 1177)

To be notified, at least once, in advance of career counseling and course selection commencing with course selection for grade 7 so that you may participate in the counseling sessions and decisions. (Educ. Code § 221.5(d))

To be notified of minimum days or staff development days. There will be two Teacher Off days in the 2023-24 school year – Friday, December 22, 2023, and Monday, January 8, 2024. Students will not attend classes these days. One minimum day, June 7, 2024, has been scheduled for the 2023-24 school year. (Educ. Code § 48980 (c)) Elementary school conference day will be held Friday, October 27, 2023; elementary students will not attend school on this day to allow for parent/teacher conferences while secondary schools will remain in session. Wednesdays are designated as elementary early release days for staff development purposes and will continue in the 2023-24 school year. Elementary schools in CUSD end 90 minutes early on elementary early release days. A complete school calendar reflecting all school holidays is available online at [www.cusd.com/calendars.aspx](http://www.cusd.com/calendars.aspx).

Technology/Internet Use: Before any student may access the Internet through CUSD, the appropriate orientation and instruction will be required. All students and their parents/guardians shall sign the Student User Agreement (Exhibit No. 6163.4) indicating that the student understands and agrees to abide by specified user obligations and responsibilities. Students understand that any violations may result in disciplinary action, the

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revocation of their use privilege, and/or appropriate legal action.

To be made aware of the CUSD's parent involvement program and policy, Board Policy No. 6020. (Educ. Code 11500 et seq., 20 USC § 6318(b), (c))

For schools receiving Title I funding, to request information regarding the professional qualifications of your child's teacher or any paraprofessional serving your child. (20 U.S.C. § 6311(h)(6))

To be informed of the availability of state funds to cover the costs of Advanced Placement and International Baccalaureate examination fees. (Educ. Code § 48980(k))

## **A5. College Admissions and Career Technical Education Annual Notification**

1. For information regarding college admission requirements, please refer to pages 6 through 7 of the 2023-24 CUSD Course Description Catalog, which is available on the district's website at <https://www.cusd.com/CourseCatalog.aspx>.

For a list of CUSD-offered courses that meet the CSU and UC admission requirements please refer to pages 9 through 11 of the 2023-24 CUSD Course Description Catalog, which is also available at:

<https://www.cusd.com/CourseCatalog.aspx>

In addition, these websites provide valuable information regarding college admission requirements and high school courses that have been certified by the University of California as satisfying California State University and University of California admissions requirements: [www.csumentor.edu](http://www.csumentor.edu) and [www.universityofcalifornia.edu/admissions](http://www.universityofcalifornia.edu/admissions).

Parents and guardians are encouraged to call the High School Innovations and Initiatives Office of the California Department of Education at (916) 319-0388 with questions regarding college admissions.

2. Career Technical Education (CTE) engages all students in a dynamic and seamless learning experience resulting in their mastery of the career and academic knowledge and skills necessary to become productive, contributing members of society. For a list of CUSD CTE Career Pathway courses, please refer to the CUSD CTE Website at <https://www.cusd.com/CareerReadiness.aspx>, which includes the CUSD CTE Course Description Catalog along with CTE Pathway Brochures and Programs of Study. Additionally, please also refer to pages 82-97 of the 2023-24 CUSD Course Description Catalog. Parents and guardians are encouraged to visit the California Department of Education website for information on Career Technical Education at [www.cde.ca.gov/ci/ct](http://www.cde.ca.gov/ci/ct). For information regarding the selection of courses that will meet college admission requirements, enrollment in CTE, or both, contact your child's high school counselor. Parents and guardians are also encouraged to contact the Educational Options Office of the California Department of Education at (916) 445-5595. Annually, CUSD counselors will schedule a meeting with every student in grades 9-12 to review chosen courses of study. Additionally, a student in grades 9-12 may at any time request a meeting with his/her counselor through the high school counseling center.

## **A6. Miscellaneous**

1. Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 prohibit discrimination on the basis of race, color, national origin, or sex in federally financed education programs or activities. CUSD does not discriminate in admission or



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access to its programs or activities. Any questions or concerns concerning noncompliance can be directed to your school principal. (20 U.S.C. §§ 1681 (sex and blindness) and 1684, 42 U.S.C. § 2000d (race, color, national origin); 34 C.F.R. §§ 100.3, 100.6, 106.9 (sex))

2. Discrimination is prohibited in any program which receives state financial assistance on the basis of gender (includes gender identity and expression), age, race (includes ancestry, color, ethnic group identification and ethnic background), national origin, immigration status, religion (includes all aspects of religious belief, observance and practice), mental or physical disability, genetic information, sexual orientation, or because a person is perceived to have one or more of the above characteristics or because a person associates with a person or group with one or more of these actual or perceived characteristics. Intimidation or bullying based on these actual or perceived characteristics are also prohibited. Complaints may be filed with the Superintendent under the CUSD's Uniform Complaint Procedures. (Educ. Code §§ 200, 220; Penal Code § 422.55; Govt. Code § 11135; 5 CCR § 4610(c). 5 CCR § 4622)
3. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against qualified handicapped persons in federally financed education programs or activities. CUSD does not discriminate in admission or access to its programs or activities. (34 C.F.R. § 104.8; 28 C.F.R. § 35.106) Please contact CUSD's Section 504 Program Coordinator at (559) 327-9385 with any questions.
4. Uniform Complaint Procedures Annual Notice

California law requires school districts to adopt and provide uniform complaint procedures to investigate and resolve certain complaints. (Educ. Code § 33315, CCR § 4600 et seq) This annual notice is being provided to comply with Section 4622 of Title 5 of the California Code of Regulations.

CUSD maintains uniform complaint procedures as set forth in Board Policy and Administrative Regulation No. 1312.3 for investigating and resolving complaints that are required by law to be submitted pursuant to CUSD's uniform complaint procedures. Board Policy No. 1312.3 sets forth the types of complaints that are subject to investigation and resolution under CUSD's uniform complaint procedures. A copy of Board Policy No. 1312.3 as well as the accompanying administrative regulation and exhibits are attached to the Appendix and may also be found on the CUSD's website at: <https://boardpolicies.cusd.com/ClovisUnifiedBoardPolicies.aspx>.

A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. (Educ. Code § 49011) Complaints regarding unlawful pupil fees may be filed under CUSD's uniform complaint procedures. (Educ. Code § 49013)

CUSD has designated the Associate Superintendent of School Leadership, Marc Hammack, Ed.D., as the Compliance Officer to receive and investigate complaints that fall within the CUSD's uniform complaint procedures and ensure CUSD's compliance with law.

Any complainant may file and appeal a written complaint in accordance with the procedures in Administrative Regulation No. 1312.3. Copies of the complaint forms are available free of charge from the school or District Office, or from the CUSD website at <https://boardpolicies.cusd.com/ClovisUnifiedBoardPolicies.aspx>.

The investigation of the complaint shall be conducted in accordance with CUSD's procedures in Administrative Regulation No. 1312.3. (5 CCR § 4631) A complainant may

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appeal a CUSD investigation report by filing a written appeal to the CDE within 30 days of the date of CUSD's investigation report. (5 CCR § 4632) A complainant may seek assistance from mediation centers or his/her attorneys. Civil law remedies that may be imposed by a state or federal court include, but are not limited to, injunctions, restraining orders, or other remedies or orders. (Educ. Code § 262.3) A person who alleges that he/she is a victim of discrimination may not seek civil law remedies until at least 60 days have elapsed from the filing of an appeal with CDE, except that such time limitation does not apply to injunctive relief. (Educ. Code § 262.3) 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 of Civil Rights (OCR) at [www.ed.gov/ocr](http://www.ed.gov/ocr) generally within 180 days of the alleged discrimination unless OCR grants a waiver of the timeline.

Additionally, any individual, public agency or organization may file complaints about the insufficiency of textbooks and instructional materials, teacher vacancy or misassignment, facilities conditions. Such complaints are subject to the procedures set forth in Administrative Regulation No. 1312.4 – Williams Uniform Complaint Procedures.

5. School Accountability Report Card: You may request a copy of the School Accountability Report Card which is issued annually for each CUSD school. (Educ. Code § 35256) A copy may also be found on the school's website at [www.cusd.com](http://www.cusd.com).
6. Asbestos Management Plan: You may request to review the complete updated management plan for asbestos containing material in school buildings. (40 C.F.R. § 763.93)
7. Physical Education: According to Education Code section 51210(a)(7), CUSD is required to provide, in the elementary setting, not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period, physical education. Any complaints related to CUSD's failure to adhere to this requirement may be filed under CUSD's Uniform Complaint Procedures, BP/AR 1312.3, which is included in this handbook.
8. Rights of Homeless and Foster Youth/Uniform Complaint Procedures: (a) CUSD's uniform complaint procedures (BP/AR 1312.3) cover complaints pertaining to the education of homeless students and students in foster care, including, but not limited to, CUSD'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; (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; (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; (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; 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

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court activity. (Educ. Code §§ 48853, 49069.5, 51225.1, 51225.2)(b)) Complaints alleging violations of these certain educational rights of students in foster care and homeless students are subject to CUSD's Uniform Complaint Procedures, BP/AR 1312.3. A complainant who is not satisfied with CUSD's decision may appeal to the CDE and receive a written decision from the CDE within 60 days.

9. Graduation and Coursework Requirements for Student in Foster Care, Student Who is Homeless Child or Youth, Former Juvenile Court School Student, Student Who is Child of Military Family, Student Who is Migratory Child, or Student Participating in New Comer Program/Uniform Complaint Procedures. A newcomer program is a program designed to meet the academic and transitional needs of newly arrived immigrant students, with the development of English language proficiency as the primary objective. (Educ. Code § 51225.2(a)(5))

a) The following rights apply to a student in foster care, a student who is a homeless child or youth, a former juvenile court school student, a student who is a child of a military family, a student who is a migratory child, or a student participating in a newcomer program (Educ. Code §§ 51225.1 – 51225.2):

- (1) Within 30 days of transferring, after the completion of the second year of high school, students must be notified that s/he may be exempt from local graduation requirements and that this exemption continues after the court's jurisdiction over a foster child ends when a homeless student: (i) is no longer homeless, (2) is no longer under the jurisdiction of a juvenile court, (iii) no longer lives in the household of an active duty service member, or (iv) no longer meets the definition of migratory child and/or a student participating in a newcomer program.
- (2) Accept coursework satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency, even if the student did not complete the entire course; and must issue full or partial credit for the coursework completed. For students living in active duty military households, public schools include schools operated by the United States Department of Defense.
- (3) Students may not be required to retake a course satisfactorily completed elsewhere. If the student did not complete the entire course, CUSD may not require that the student retake the portion already completed, unless CUSD, in consultation with the holder of the student's educational rights, finds that the student is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a course, the student must be enrolled in the same or equivalent course in order to continue and complete the entire course.
- (4) Students may not be prevented from retaking or taking a course to meet the eligibility requirements for admission to the California State University or University of California.
- (5) Exempt students transferring between schools at any time after the completion of his/her second year of high school from all coursework and other requirements adopted by the CUSD Governing Board that are in addition to the statewide coursework requirements for graduation found in Education Code section 51225.3, unless CUSD makes a finding that the student is reasonably able to complete CUSD's graduation requirements in time to graduate from

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high school by the end of the student's fourth year of high school.

- (6) For students deemed reasonably able to complete CUSD's graduation requirements within the student's fifth year of high school, CUSD must do all of the following: (a) inform the student of his/her option to remain in school for a fifth year to complete CUSD's graduation requirements; (b) inform the student, and the person holding the right to make educational decisions for the student, about how remaining in school for a fifth year to complete CUSD's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution; (c) provide information to the student about transfer opportunities available through the California community colleges; and (d) upon agreement with an adult student or with a minor student's educational rights holder, permit the student to stay in school for a fifth year to complete CUSD's graduation requirements.
- (7) Within 30 calendar days of the school transfer, CUSD must notify a student who may qualify for the exemption from local graduation requirements, his or her parent/guardian, the person holding the right to make educational decisions for the student, the foster youth's social worker, a former juvenile court student's probation officer, and, in the case of homeless students, the CUSD liaison for homeless students, of the availability of the exemption from local graduation requirements and whether the student qualifies for the exemption. If CUSD fails to provide timely notice of these rights, the student will be eligible for the local graduation requirements exemption even after the student is no longer: (a) homeless, (b) in foster care, (c) under the juvenile court's jurisdiction, (d) a migratory child or a student participating in a newcomer program as defined, or (e) living in the household of an active duty military service member, if the student otherwise qualifies for the exemption.
- (8) Students exempted from local graduation requirements who complete statewide coursework requirements before the end of their fourth year of high school may not be required or asked to graduate before the end of their fourth year of high school, if otherwise entitled to remain in attendance.
- (9) If a student is exempted from local graduation requirements, CUSD must notify the student and the student's educational rights holder of how any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and must provide information about transfer opportunities available through the California community colleges.
- (10) Students eligible for the exemption from local graduation requirements and who would otherwise be entitled to remain at the school shall not be required to accept the exemption or be denied enrollment in, or the ability to complete, courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.
- (11) If a student is not exempted from local graduation requirements or has previously declined the exemption, CUSD must exempt the student at any time if he/she requests and qualifies for the exemption.
- (12) Once exempted from local graduation requirements, CUSD shall not revoke the exemption.
- (13) If a student in foster care is exempted from local graduation requirements, the exemption must continue to apply after the termination of the court's jurisdiction

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over the student while he/she is enrolled in school or if the student transfers to another school or school district.

- (14) If a homeless student is exempt from local graduation requirements, the exemption must continue to apply after the student is no longer homeless while he/she is enrolled in school or if the student transfers to another school or school district.
  - (15) If a former juvenile court school student is exempt from local graduation requirements, the exemption must continue to apply after the termination of the court's jurisdiction over the student while he/she is enrolled in school or if the student transfers to another school or school district.
  - (16) For students living in active duty military households, the exemption will continue to apply after: (a) a student transfers to another school or school district, or (b) a student no longer meets the child of military family definition.
  - (17) For a student who is a migratory child and/or is participating in a newcomer program, the exemption will continue after the student no longer meets the definition of migratory child and/or a student participating in a newcomer program, respectively.
  - (18) CUSD may not require or request that students transfer schools to be exempt from local graduation requirements.
  - (19) Transfer requests may not be made on a student's behalf solely to qualify the student for an exemption under this section.
  - (20) If a student is reasonably able to meet local graduation requirements and does not qualify for a graduation credit exemption, CUSD will reevaluate eligibility and provide written notice whether the pupil qualifies for the exemption within the first 30 calendar days of the following academic year.
- b) **Non-Compliance Complaints:** Complaints of non-compliance may be filed with CUSD under its Uniform Complaint Procedures. (Educ. Code §§ 51225.1, 51225.2) A complainant who is not satisfied with CUSD's decision may appeal to CDE and receive a written decision regarding the appeal within 60 days of CDE's receipt of the appeal. (Educ. Code §§ 51225.1, 51225.2)
10. Juvenile Court Students Who Have Qualified for a Diploma - Graduation Requirements and Continuing Education Options. Juvenile court students who have qualified for a diploma have additional rights related to deferring or declining the issuance of a diploma to take additional coursework, continuing their education upon release from the juvenile detention facility, and community college transfer opportunities. (Educ. Code § 48645.7)
  11. Parent Involvement. Board Policy and Administration Regulation No. 6020 outlines parent involvement regarding categorical programs and can be found in H4.
  12. Accident Insurance. CUSD does not provide medical or accident insurance for student for school related injuries. Families without insurance may purchase school-time insurance from a third party by visiting [www.myers-stevens.com](http://www.myers-stevens.com) or by contacting their school for a brochure.
  13. Co-Curricular or Extra-Curricular Activities. Students participating in CUSD co-curricular or extra-curricular activities must provide verification of insurance in accordance with Board Policy No. 5143 - Insurance.

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14. Field Trips. Students participating in school field trips must obtain written parental permission and a waiver of liability. All persons participating in any field trips shall be deemed to have waived all claims against CUSD or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip. All adults taking out-of-state field trips and all parents or guardians of pupils taking out-of-state field trips shall sign a statement waiving all claims. (Educ. Code § 35330(d))

CUSD maintains, at Exhibits 3, 4, and 5 to Board Policy No. 4115, a commitment to how staff should interact with students. As articulated in that exhibit and as required by Education Code section 44050, CUSD provides that commitment to parents. CUSD measures success by the progress of each student toward achievement of his maximum potential. CUSD, therefore, works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. CUSD recognizes the importance of cooperative relationships with other community institutions, especially the home. In fulfilling CUSD's obligations to students, CUSD:

- a. Deal justly and considerately with each student.
- b. Encourage each student to study varying points of view and respect the student's right to form his/her own judgment.
- c. Withhold confidential information about a student or his/her home unless CUSD deems that its release serves professional purposes, benefits the student, or is required by law.
- d. Make discreet use of available information about a student.
- e. Conduct conferences with or concerning a student in an appropriate place and manner.
- f. Refrain from commenting unprofessionally about a student or his/her home.
- g. Avoid exploiting CUSD's professional relationship with any student.
- h. Tutor only in accordance with officially approved policies.
- i. Inform appropriate individuals and agencies of a student's educational needs and assist in providing an understanding of his educational experiences.
- j. Seek constantly to improve learning facilities and opportunities.

## **B. ATTENDANCE AND PROGRAMS**

**B1. Admissions Residency and Attendance/Open Enrollment Within the District – BP/AR/EXH 5116.1:** Please see the Appendix for a copy of Board Policy, Administrative Regulation, and Exhibit No. 5116.1 – Intra-District Transfers/Open Enrollment Annual.

**B2. Intra-District Transfers During the School Year – BP/AR 5116.1:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 5116.1 – Intra-District Transfers/Open Enrollment Annual.

**B3. Inter-District Transfers During the School Year – BP/AR 5117:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 5117 – Inter-District Attendance/Transfers.

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**B4. Notice of Alternative Schools - Education Code Section 58501:** California law authorizes all school districts to provide for alternative schools. Education Code section 58500 defines an 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 desire to learn.
- c. Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may be conceived by him totally and independently or may result in whole or in part from a presentation by his teachers of choices of learning projects.
- d. Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.
- e. Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

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

A copy of the above notice shall be posted in at least two places normally visible to pupils, teachers, and visiting parents in each attendance unit for the entire month of March in each year.

**B5. Clovis Community Day Schools - Education Code Sections 48660-48667**

Clovis Community Day Elementary (grades 4-6) and Clovis Community Day Secondary (grades 7-12) schools serve special at-risk students who have not been successful in a comprehensive school setting and are unable to benefit from on-site intervention programs. Many of these students exhibit an array of behavior problems and need intensive assistance in their psychological, social, and/or academic development. Some of these students may have learning disabilities, either diagnosed or undiagnosed, that require specific learning strategies. Comprehensive elementary or intermediate schools that refer students to this program must first demonstrate that they have exhausted on-site and other CUSD resources and programs to successfully improve the student's behavior. Clovis Community Day Schools' responsibility is to provide emotional support, academic instruction, and behavioral skill-building for every student.

Education Code section 48662(b) provides that a pupil may be assigned to a community day school only if he or she meets one or more of the following conditions:

- a. The pupil is expelled for any reason.
- b. The pupil is probation referred pursuant to Welfare and Institutions Code sections

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- c. The pupil is referred to a community day school by a school attendance review board or other District level referral process.
- d. First priority for assignment to a community day school shall be given to a pupil expelled pursuant to Education Code section 48915(d), second priority shall be given to pupils expelled for any other reasons, and third priority shall be given for placement to all other pupils pursuant to Education Code section 48662, unless there is an agreement that the county superintendent of schools shall serve any of these pupils.

Students referred to Clovis Community Day School will benefit from a structured environment that meets their individual educational needs for a 360-minute instructional day provided by a CUSD certificated employee. The 360-minute minimum instructional day includes academic programs that provide challenging curriculum, assessment, and individual attention to student learning modalities and abilities. The school programs will also focus on the development of pro-social skills and student self-esteem. The program components should include the following:

- a. Low student-teacher ratio.
- b. Individualized instruction and assessment.
- c. Maximum collaboration with CUSD school support service providers, including, but not limited to, Healthy Start, vocational, academic and pupil discipline counselors, psychologists, nursing, and special education.
- d. CUSD cooperation from law enforcement, probation, and private sector human service agency personnel who work with at-risk youth.

Clovis Community Day School will utilize a Student Success Team (SST) that will work cooperatively to identify the student strengths and assets upon which success is built, as well as obstacles to achieving success. The team will look at fundamental behavioral and social issues, including resiliency factors as well as academic issues. The team develops a coordinated rehabilitation plan for maximizing the student's growth and achievement of his or her potential, including intervention techniques, support services, and the identification of resources.

The SST is made up of the parent/guardian and student; home school designee; Clovis Community Day School administrator, counselor and teacher; Healthy Start counselor; Student Services and School Attendance designee; and other essential personnel. When a student leaves Clovis Community Day School, the SST will also conduct a Re-entry Interview with the same team (including a home school representative) in order to ensure success at the comprehensive school.

The goal of the Community Day School program is to assist students to stay in school, successfully complete their rehabilitation plan, and be re-admitted into a comprehensive school setting.

Typically, a student will be enrolled in the program for one or two semesters. If a student does not satisfactorily complete his/her rehabilitation plan, CUSD may stay in extend his/her the program.



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## **B6. School Accountability Report Card - Education Code Section 35256(c)**

Education Code section 35256(c) requires that the governing board of each school district annually shall issue a School Accountability Report Card (SARC) for each school in the school district, publicize those reports, and notify parents or guardians of pupils that a hard copy will be provided upon request. Section 35356 further requires that commencing with the 2008-09 school year, each school district shall make hard copies of its annually updated report card available, upon request, on or before February 1 of each year.

CUSD's SARC is available in accordance with Education Code section 35256 and may also be found on the District's website at: [www.cusd.com](http://www.cusd.com).

## **B7. Special Education Information/Section 504**

1. Special Education under the Individuals with Disability Education Improvement Act (IDEA): The IDEA is a federal law that provides for eligibility and special education services for certain students with disabilities who qualify for eligibility under the IDEA. Students eligible for special education services under the IDEA have a right to a free, appropriate public education (FAPE). CUSD provides a wide range of services to meet the needs of students with disabilities who are eligible for special education under the IDEA. Many special education services can be provided for eligible students at local schools in collaboration with our general education programs. However, some services and programs are only available at specified schools throughout CUSD; therefore, an eligible student may require enrollment at a designated site in order to receive a FAPE. If you suspect that your child has disability and needs special education under the IDEA, you should contact your child's teacher regarding your concerns and request a referral to a student study team (SST) or an assessment to determine whether your child is eligible for special education services under the IDEA. After obtaining parent consent to assessment, qualified CUSD staff will conduct an assessment in areas of suspected disability to determine eligibility for special education IDEA. An individualized education plan (IEP) team, including parents, will meet to review the assessment information and determine special education eligibility under the IDEA. If your child is deemed eligible for special education under IDEA, the IEP team will develop appropriate goals and determine appropriate placement and services for your child, and will review your child's IEP, at least annually. Should you have any questions regarding special education services under the IDEA, you may contact the Special Education and Psychological Services Department at (559) 327-9400.
2. Section 504: Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance. Section 504 regulations require a school district to provide a FAPE to each qualified student with a disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of students without disabilities are met. If you suspect that your child has a disability (e.g. learning disability, chronic health problems, attention deficit/hyperactivity disorder) that may substantially limit a major life activity, you may request that your child be evaluated for eligibility under Section 504. A qualified educational team will evaluate your child to determine if he/she qualifies under Section 504. The Section 504 team shall be comprised of a group knowledgeable about your child, to include but not be limited to your school site Section 504 Coordinator, your child's teacher, other knowledgeable individuals, and parent(s) of the child. If your child is deemed eligible for a Section 504 plan, a plan will be developed and will be reviewed annually. For transfer students with a current Section 504 plan, an

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educational team will review the plan upon transfer and determine whether to continue the plan until the next annual review or to schedule a meeting, which will include the parent, to recommend revisions to the Section 504 plan. For more information, feel free to contact your child's teacher, the school site Section 504 Coordinator, or the CUSD's Section 504 Coordinator at (559) 327-9385.

## **B8. CUSD Categorical Funded Program Information**

### **1. Children Are Our Most Precious Resource**

On an annual basis, CUSD submits the Application for Funding Consolidated Categorical Aid Programs commonly called the Con Ap. The application is submitted in two parts: (a) Part I, which contains program and demographic information, is submitted by June 1 each year; and (b) Part II, which contains the budget information and additional program data, is submitted by January 31 each year. The categorical programs included in the application are Title I, Part A – Improving the Academic Achievement of the Disadvantaged Improving; Title I, Part C – Migrant Education; Title II, Part A – Preparing, Training and Recruiting High Quality Teachers and Principals; and Title III – Language Instruction for Limited English Proficient and Immigrant Students. Essentially, these funds are designed to assist students in mastering state standards.

CUSD is committed to establishing a true partnership with all facets of the Clovis learning community. CUSD values feedback and input. Parents continue to make positive differences in the lives of the children we all support. CUSD knows from research that participation in your child's education will not only bring success to your child but other children in the school. Parents truly make a difference in the lives of Clovis kids!

CUSD is pleased and proud to offer a variety of parent involvement opportunities that improve our overall program. Depending on the type of categorical funding a site may receive, CUSD or school parent councils and committees are required under certain requirements and guidelines. Such advisory committees in CUSD include:

- a. School Site Council (SSC)
- b. English Learner Advisory Committee (ELAC)
- c. CUSD Advisory Committee (DAC) and School Advisory Committee (SAC)
- d. CUSD English Learner Advisory Committee (DELAC)
- e. CUSD Migrant Education Parent Advisory Committee (DMEPAC)
- f. CUSD Indian Education Parent Advisory Committee (IPAC)
- g. School- and District-level School Assessment Review Team (SART)
- h. Intercultural and Diversity Advisory Council (IDAC)
- i. Local Control Accountability Plan Public Forums (LCAP)

CUSD encourages all parents and guardians to become involved with their children's education at the classroom level, the school-wide level as well as the District level. Each school's Single Plan for Student Achievement (SPSA) describes the school's basic educational program and the categorical supplementary programs/services that are

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designed to support student achievement of each and every student. Parental involvement is a necessary and vital part of developing the SPSA as well as our overall program. At the District level, parent committees provide input into each of the site's SPSA and to the CUSD's Local Education Agency Plan (LEAP). If you would like additional information on any of the District Parent Councils or Committees, please call your child's school. The principal, learning director, or guidance instructional specialist (GIS) would be happy to assist you. You may also access information at: [www.cusd.com/supplementalservices](http://www.cusd.com/supplementalservices).

Listed below are several parent committees that assist with categorical programs and funding:

- a. School Site Council (SSC): All schools receiving categorical funds are required to form a SSC. The SSC is composed of parents, students at the secondary level, and school personnel. It is responsible for developing, implementing, and evaluating the Single Plan for Student Achievement programs. Members serve for two years and are elected by their peers.
- b. District Advisory Committee (DAC) and School Advisory Committee (SAC): The entirety of the SSC acts as the SAC. The SAC serves as an advisory committee to advise schools regarding supplemental education programs and acts as a liaison for their school community. They serve to share information and comments both at the District and site level. These education programs are supplemental education opportunities that provide services to students who are disadvantaged, English learners, foster youth and/or at-risk. The SSC has designated CUSD's SSC pursuant to Education Code section 52852 to function as the School Advisory Committee.
- c. English Learner Advisory Committee (ELAC): All schools enrolling 21 or more English learners are required to form an ELAC. The ELAC is composed of parents and school personnel. It provides input and makes recommendations to the principal, staff, and SSC regarding services for English learners and conducts an annual survey. Members serve for two years.
- d. District English Learner Advisory Committee (DELAC): Whenever there are 51 or more EL students in the District, there shall be a functioning District English Learner Advisory Committee (DELAC). It is important that each school site ELAC elect a DELAC representative and arrange to have that representative attend every DELAC meeting. Currently the DELAC bylaws require each DELAC representative to be: (1) a parent/guardian of an EL or former EL, i.e., a reclassified fluent English proficient student) currently enrolled at the site he/she represents, and (2) elected to serve as the DELAC representative by the site's ELAC.
- e. District Indian Education Parent Advisory Committee (IPAC): The CUSD Native American Indian Education Parent Advisory Committee meets four times a year to discuss program issues, services provided, and other needs related to the student achievement of our students, community agencies and outreach programs. CUSD Indian Education Program addresses the needs of American Indian and Alaskan Native students in grades K – 12. The program assists eligible students to achieve at the same challenging state performance standards expected of all students in grades pre-K -12.
- f. Local Control Accountability Plan (LCAP) Forums: CUSD develops an LCAP

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annually that works to better align the academic plan with the District's expenditure plan that is approved by the CUSD Governing Board each June. Parents and other stakeholder groups are invited to participate in the development of the LCAP through participation of school and District committee meetings and community forums. LCAP school, District meetings, and community forums are opportunities for all stakeholders and school committees to engage with CUSD and share their ideas on how CUSD can provide quality opportunities and support for CUSD youth and schools. Community participation and feedback in the forums will inform CUSD's LCAP funding priorities over the next several years. These forums are designed to provide an opportunity for school communities to hear about CUSD's current efforts to support youth and families and to provide input and feedback on future plans and opportunities. Sites also have an opportunity to work together in teams to share new ideas to support identified groups and to plan for site engagement and implementation.

2. Categorical Programs: The following is an overview of the categorical funding and programs in CUSD. These funds are further discussed and outlined in each school's SPSA and at the committee meetings.

a. Rationale: General District funds provide support for CUSD's base/core curriculum program. Some students have special characteristics, not reflective of the general school population, that affect their success in the base/core programs. Some come from economically disadvantaged homes or are educationally disadvantaged or lack English language proficiency because they have a primary language other than English. Such students require supplemental services and materials not generally provided through the base/core curriculum program. The needs of students are identified and supplemental services and materials are planned and targeted to meet their special needs. Categorical funds are to be used to provide the financial support to meet these special needs.

b. Philosophy: All CUSD schools offer students with special needs the same kinds of high-quality learning opportunities and access to the core curriculum in all curricular areas. Categorical funds are designed to support additional assistance to help students succeed in the regular classroom program (base/core curriculum) and address any learning gaps. The focus is on the effective utilization of supplementary materials and personnel and staff development. Staff development activities are used to improve instructional practices and strategies to increase the ability of teachers and other staff to challenge and assist all students to reach their fullest potential.

c. Categorical Program Descriptions

*After School Safety and Education Funds (ASES)*: This state funded and administered program provides three year grant funding to establish or expand after school programs that provide students with academic support and intervention, enrichment opportunities, and supportive services to help students meet state and local standards in core content areas. The purpose of the ASES program is to create additional educational and recreational opportunities for students within the learning community while providing a safe environment for students. The goals of this program are to: (1) improve academic achievement, and (2) provide enrichment opportunities that reinforce and complement the academic program.

*Title I, Part A - Improving the Academic Achievement of the Disadvantaged*: A federal funded program to provide high-quality opportunities for students in high-

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poverty schools to meet District and state content and performance standards.

*Title I, Part A, Title X, Part C, Education for Homeless Children and Youths:* Title I, Part A fund provides comparable services to homeless children that assist them to effectively take advantage of educational opportunities as provided to children in schools funded under Title I, Part A. These comparable services shall be provided to homeless children in public and private schools, shelters, and other locations where children may live, institutions for neglected children and, where appropriate, local institutions such as local community day school programs.

*Title I, Part C - Migrant Education Program:* A federal funded program focused on providing services for migratory students and their families.

*Title II, Part A - Preparing, Training and Recruiting High Quality Teachers and Principals):* A federal funded program focused on teacher and principal training and recruitment programs.

*Title III - Language Instruction for English Learners and Immigrants:* A federal funded program focused on assisting school districts in teaching English to limited English proficient students and immigrants and helping these students meet the same challenging state standards required of all other students.

*Title VII - Indian Education Formula Grant:* A federal funded program focused on helping Native American/Alaskan Native students meet the same challenging state standards required of all other students.

The goal of CUSD staff is to create and maintain the best educational environment possible. This can be accomplished with your support and input. If you have any questions, concerns or would like to become more involved in the educational process at your school, please contact your school principal. Your school can assist you in learning more about categorical programs. You may want to become involved in your school's School Site Council (SSC), English Learner Advisory Committee (ELAC) and/or attend the Annual Title I Parent Meeting. During the fall, each school will send you additional information about these activities. At the District level, we encourage you to become involved with our DELAC. We encourage and look forward to your involvement in the programs we offer our learning community.

If you have any questions, please call your child's school or the CUSD Department of Supplemental Services at 327-0661. Additional information may be found at <http://www.cusd.com/supplementalservices>.

## **B9. Expanded Learning Club Information**

CUSD's Expanded Learning Club provides programs that offer academic enrichment and childcare. The programs include but are not limited to:

1. **Expanded Learning Club:** A year-round, fee-based expanded learning environment that fosters educational and enrichment opportunities for grades TK-6 offered at CUSD elementary school sites. Fee waiver criteria includes Foster/Homeless Youth, English Learner, or Free/Reduced meal qualification. For information regarding Expanded Learning Club programs, contact (559) 327-9160.
2. **State-Funded and Fee-Based Preschool Enrichment Program:** An early enrichment, kindergarten-readiness program for 3 and 4-year-old children of fee-based or income-eligible families. For Preschool information, contact (559) 327-9180.

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3. Youth Parent Program: The Youth Parent childcare center is located at Gateway High School. All CUSD students who are pregnant or parenting teens may request services. For information regarding the CUSD's Youth Parent Program, contact (559) 327-9186.

Child Development programs exist to serve CUSD's mission of providing resources for all students to reach their potential in mind, body, and spirit. Basic to this purpose is the assumption that all students are individuals of equal worth and value, who come to CUSD at their own developmental levels and bring with them a unique mixture of family background, language, culture, personality, and learning styles. Activities and lessons are planned to provide a balance of educational, social, and recreational opportunities that are specifically created for the students attending. CUSD strives to provide high quality, first class programs that are both purposeful and playful, instilling and promoting in our students a love of learning that will last a lifetime. The Child Development Department is located in the District Services Building at 1735 David E. Cook Way, Clovis, CA.

## **B10. Pregnant and Parenting Student Rights**

1. Rights Under Education Code Section 221.51: Education Code section 221.51 states the following:
  - a. A local education agency (LEA) 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. A LEA 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. A LEA 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. A LEA 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.
2. Rights Under Education Code Section 46015: Education Code section 46015 establishes the following accommodations as rights of pregnant and parenting students:
  - (1) A 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

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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 he or she was 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 he or she was 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 he or she would have been in if participating in the regular education program.
  - (11) A student shall not incur an academic penalty as a result of his or her use of these accommodations.
3. Uniform Complaints: A complaint of CUSD's noncompliance with these requirements may be filed under CUSD's uniform complaint procedures, Board Policy and Administrative Regulation No. 1312.3.

### **B11. Student Mental Health Services**

Student mental health is critical to overall student success. A variety of services promoting mental health and wellness are available at each school as well as through various agencies. Please visit the CUSD website (<https://www.cusd.com/EmotionalWellnessResources.aspx>) for resources to support the mental health and wellness of students or feel free to contact your school for additional

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resources.

## **B12. 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.

## **C. ABSENCES**

**C1. Excused Absences - Education Code Section 48205:** Education Code section 48205 states the following:

- (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:
- (1) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.
  - (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 services of a member of the pupil's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
  - (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 the pupil's religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district.



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- (8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
  - (9) For the purpose of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.
  - (10) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
  - (11) For the purpose of participating in a cultural ceremony or event.
  - (12) (A) For the purpose of a middle school or high school pupil engaging in a civic or political event, as provided in subparagraph (B), provided that the pupil notifies the school ahead of the absence.
    - (B) (i) A middle school or high school pupil who is absent pursuant to subparagraph (A) is required to be excused for only one schoolday-long absence per school year.
    - (ii) A middle school or high school pupil who is absent pursuant to subparagraph (A) may be permitted additional excused absences in the discretion of a school administrator, as described in subdivision (c) of Section 48260.
  - (13) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.
    - (b) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.
    - (c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
    - (d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
    - (e) For purposes of this section, the following definitions apply:
      - (1) A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.
      - (2) "Cultural" means relating to the habits, practices, beliefs, and traditions of a certain group of people.
      - (3) "Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

**C2. Clearing Absences – Administrative Regulation No. 5113:** Please see the Appendix for a copy of Administrative Regulation No. 5113 – Student Absences, Excuses, and Make

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Up Opportunities.

## D. DISCIPLINE RULES

Additional detailed information on reasons for suspension and expulsion can be found in Education Code section 48900 at <https://leginfo.legislature.ca.gov/faces/codes.xhtml>.

- D1. Student Cell Phone Usage:** It is CUSD's policy to allow students to possess cell phones during the school day. However, permission from a school official must be obtained before a student uses a cell phone or other electronic device during the school day, at school sponsored activities, while riding on a school bus, or at any time while students are under the supervision of CUSD employees, as per Board Policy and Administrative Regulation No. 5144 – Student Discipline/Corporal Punishment. This policy also puts into writing current practice permitting CUSD employees to confiscate cell phones or other electronic devices if they cause a disruption. Board Policy and Administrative Regulation No. 5144 may be accessed at: <https://boardpolicies.cusd.com/ClovisUnifiedBoardPolicies.aspx>. Education Code section 48901.5, which authorizes a governing board to regulate the possession or use of any electronic signaling device that operates through the transmission or receipt of radio waves, can be found at <https://leginfo.legislature.ca.gov/faces/codes.xhtml>.
- D2. Bullying - BP/AR 5131.2:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 5131.2 - Bullying.
- D3. Student Searches - BP/AR 5145.12:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 5145.12 – Student Search and Seizure.
- D4. Student Discipline – BP/AR 5144:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 5144 – Student Discipline.
- D5. Student Discipline - Zero Tolerance - BP/AR 5144.10:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 5144.10 – Student Discipline – Zero Tolerance. Exhibit No. 5144.10 – Notification – Zero Tolerance Policy is also attached to the Appendix.
- D6. Dress and Grooming - BP/AR 5132:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 5132 – Dress and Grooming.
- D7. Alcohol, Tobacco & Other Drug Intervention - BP/AR 5131.6:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 5131.6 – Alcohol, Tobacco, an Other Drugs Prevention/Intervention.
- D8. Sexual Harassment - BP/AR 5145.7:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 5145.7 – Sexual Harassment.

## E. SAFETY ISSUES

### E1. Civil Defense Plan: Emergency Procedures

In accordance with California law, the CUSD Board must annually review CUSD's emergency procedure plans. The procedures conform to the Fresno County Disaster Plan and the disaster plans of the City of Clovis and City of Fresno and has been approved by the civil defense directors of those agencies.

The following procedures have been adopted by the Board and shall remain in effect until

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further notice.

1. It is the declared policy of the Board to release students from school in the event of an attack on the continent of the United States or when warned by competent authority of an imminent attack. During such an emergency, CUSD will transport all students who normally use the school bus. Those students who provide their own transportation or walk to school will be expected to get home by the same method during the emergency.
2. Buses will travel regular routes but may consolidate stops on these routes in the interest of saving time. Stops will be dependent upon the time of day, weather conditions, and age of students but all regular routes will be traveled in the normal sequence.
3. Traffic conditions during an emergency are naturally an unknown factor. Buses may take longer to complete the routes than usual because of traffic congestion. Thus, parents may want their children to walk home during an actual emergency rather than to depend on school transportation. This parental decision should be based upon the age of the child, the route from school to home, and the distance from home to school.

If parents wish their children who ordinarily use the school bus to walk home during an emergency, they must inform their children of this decision. It can be expected that during an emergency there will be a certain amount of uncertainty particularly in the minds of younger children. The best way to overcome this uncertainty is for the parents to be specific about the procedure for their children to follow in an emergency. Parents are urged to discuss the problem with their children frequently and test them of their knowledge of what to do under these conditions. Parents are NOT to drive to the school to pick up their children; this would only add to the traffic congestion both at the school and in the public streets.

## **E2. Megan's Law Notification**

CUSD places student safety as a number one priority each and every year. In an effort to keep students safe from registered sex offender, CUSD will cooperate with law enforcement to fully comply with all requirements of Megan's Law. It is law enforcement's responsibility to assess the relative danger of an offender and to notify the public upon determination of a risk.

Communication of information regarding registered sex offenders will be as follows:

1. If, and when, law enforcement notifies CUSD of residency or employment of a sex offender within school boundaries, the Superintendent's designee shall determine which central office and school staff need to be notified. This determination will be made on a case-by-case basis. Notification may be made to the following staff:
  - a. The principal of the school which is in the attendance area of the sex offender's residency or place of employment.
  - b. Teachers and classified personnel at that school, including staff responsible for visitor registration.
  - c. Principals and staff at adjacent schools, as appropriate.
  - d. Security staff.

- e. Bus drivers.
- f. Yard supervisors.

If an identified sex offender is seen on or nearby school grounds or around any student, staff shall immediately contact the CUSD liaison.

At the CUSD liaison's discretion, a staff member may also immediately inform local law enforcement about the presence of a sex offender.

A staff member who receives any information directly from law enforcement regarding registered offenders shall immediately contact the Superintendent's designee.

Every parent or guardian has the right and ability to contact law enforcement for additional information.

Any questions, inquiries or communication of information should be directed to: Student Services and School Attendance, 1465 David E. Cook Way, Clovis, CA 93611, telephone number (559) 327-9200.

### E3. Notification of Planned Pesticide Use

Assembly Bill 2260 (Healthy Schools Act of 2000), which became effective on January 1, 2001, reduces children's exposure to toxic pesticides through information and integrated pest management. CUSD may apply the following pest management products as necessity dictates.

#### PEST CONTROL

Name of Chemical	Active Ingredient	Manufacture	EPA Number
Advion Cockroach Gel	Indoxacarb	Syngenta	100-1484
Alpine Cockroach Gel Bait	Dinotefuran – 0.5%	Whitmire Micro-Gen	499-510
Alpine WSG	Dinotefuran	Basf	499-561
Borid	Orthoboric Acid – 99%	Waterbury	9444-129
Cross Check Plus	Bifenthrin	Lesco, Inc.	279-3206-10404
Demand CS	Lambda-cyhalothrin <sup>1</sup>	Syngenta	100-1066
Essentria G (Granular)	Eugenol & Thyme Oil	Envincio	N/A
Essentria IC-3	Rosemary Oil, Geraniol, Peppermint Oil	Envinclo	N/A
JT Eaton Bait Block	Diphacinone	JT Eaton	56-42
ER-3	Geraniol/Cedarwood Oil	Orange Guard Inc.	61887-1-AA
Suspend SC	Deltamethrim – 4.75%	EcoRaider	N/A
Tengard	Permethrin – 39.1%	United Phosphorous	70506-6
Termidor SC	Fipronil – 9.1%	Basf Corp.	7969-210

Name of Chemical	Active Ingredient	Manufacture	EPA Number
Proverde	Geraniol 1.3% cinnamon .2%	Amvac Chemical Corp	N/A
NyGuard Plus	Pyriproxyfen	MGK	1021-2580

### GROUNDS PEST CONTROL

Name of Chemical	Active Ingredient	Manufacture	EPA Number
Advance 375A	Abameltin 0.011%	Whitmire	499-370
Arena .25	Clothianidin .25%	Valent	59639-157
Banner Maxx II	Propiconazole 14.3%	Syngenta	100-1326
Certainty	Sulfosulfuron 75%	Valent	59639-226
Dimension 270	Dithiopyr (CAS 97886-45-8) 0.27%	Simplot	7001-375
Dimension 2EW	Dithiopyr 24%	Dow Agro	62719-542
Eagle 20EW	Myclobutanil: a-butyl-a-(chlorophenyl)-19%	Dow Agro	62719-463
Fusilade 2	Fluazifop-P-butyl 24.5%	Syngenta	100-1084
Gallery SC	Isoxaben 45.45%	Doe Agro	62719-658
Headway	Azoxystrobin: methyl (E)-2-{2-[6-(2-cyanophenoxy)-5.3%	Syngenta	100-1216
Kaput Squirrel Bait	Diphacinone .0025%, Imidacloprid .0250%	Scimetrics	72500-24
Merit 2F	Imidacloprid 21.4%	Bayer	432-1312
Merit 75 WSP	Imidacloprid 75%	Bayer	432-1318
One Shot	2,4-D 0.64%, Mecoprop-p 0.14% 0.06% Dithiopyr0.19%	Simplot	2217-856-7001
Pendulum Aqua Cap	Pendimethalin 38.7%	B.A.S.F	241-416
PT Wasp Freeze II	Prallethrin 0.1%	Prallethrin 0.1%	499-550
Q4	Quinclorac 8.43%, Sulfentrazone 0.69% 2, 4-D dimethylamine salt, Dicamba, dimethylamine 1.49%	PBI Gordon	2217-930
Revolver	Foramsulfuron 2.34%	Bayer	432-1266
Round Up Custom	Glyphosate, N 53.8%	Monsanto	524-343
Round Up Pro	Glyphosate 50.2%	Monsanto	524-529
Round-up quick pro	Glyphosate 73.3%	Monsanto	524-535
Sledgehammer	Halosulfuron Methyl 75%	Gowan	81880-1-10163
Sluggo Snail Bait	Iron Phosphate 1.0%	Iron Phosphate 1.0%	67702-3-34704

Name of Chemical	Active Ingredient	Manufacture	EPA Number
Speedzone Southern EW	2,4-D, 2-Ethylhexyl Ester 9.02%, Dichlorprop-P 5.19%	PBI Gordon	2217-1031
Subdue Max	Mefenoxam 22%	Syngenta	100-796
Sultan	Cyflumetofen 18.7%	B.A.S.F	7969-337
Talstar S	Bifenthrin 7.9%	FMC Corp	279-3155
Tengard	Permethrin 36.8%	UPI	70506-6
Terad Blox 3	Cholecalciferol 0.08%	Bell Labs	12455-106
Tourney	Metconazole 50%	Valent	59639-144
Wilco Gopher Getter2	Diphacinone 0.005%	Wilco	36029-24

Additional information on pest management products is available on the California Department of Pesticide Regulation’s website [www.cdpr.ca.gov](http://www.cdpr.ca.gov). CUSD does not use any pest management products with the signal word “danger,” and in the majority of cases, the products CUSD uses fall into the safest category, “caution.” Applicators receive annual safety training, strictly follow the U.S. EPA label instructions and only apply pesticides when they are necessary. CUSD will make every effort to apply pesticides when students are not present but reserves the right to spray within California laws anytime it deems safe, using the utmost care while students are present. To register with CUSD to receive notification of individual pest management product applications at a specific school site, contact the Plant Operations Department at (559) 327-9492 to request a registration form. Registrants will be notified of individual applications at least 72 hours in advance.

#### E4. California Law Regarding Safe Storage of Firearms.

Parents and legal guardians of all students in CUSD are reminded of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

To help everyone understand their legal responsibilities, the following spells out California law regarding the storage of firearms. Please take some time to review the following information and evaluate your own personal practices to assure that you and your family are in compliance with California law.

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child’s parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; **or** (3) unlawfully brandishes the firearm to others.(California Penal Code sections 25100 through 25125 and 25200 through 25220)

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- **Note:** The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
  - With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually accesses the firearm. (California Penal Code section 25100(c))
  - Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward. (California Civil Code Section 1714.3)

Fresno County and the cities of Fresno and Clovis may have additional restrictions regarding the safe storage of firearms.

Thank you for helping to keep our children and schools safe. Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

## **F. CURRICULUM**

- F1. Acceptable Use of Electronic Information Resources – BP/AR 6163.4:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 6163.4.
- F2. Instructional Materials and Equipment Literature/Supplemental Materials - EXH 6161.11 (3):** Please see the Appendix for a copy of Exhibit No. 6161.11(3).

## **G. STUDENT RECORDS**

- G1. Student Records Access and Privacy Rights of Parents and Students – BP/AR 5125:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 5125.

## **H. COMPLAINTS**

- H1. Uniform Complaint Procedures — BP/AR 1312.3:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 1312.3. Exhibit No. 1312.3(2) - Notice to Parents/Guardians, Students, and Teachers: Preschool Complaint Rights and Exhibit No. 1312.3(3) – Uniform Complaint Procedures: Preschool Complaint Form are included in the Appendix. Please also see the Uniform Complaint Procedures Annual Notice set forth in A6 above.
- H2. Non-Discrimination, Hiring Practice and Procedures, Sexual Harassment, Title IX Complaint Procedures – Notification Statement:** Please see the Appendix for a copy of this notification. CUSD's Title IX Sexual Harassment Complaint Procedures are set forth in Administrative Regulation No. 4119.12, 4219.12, 4319.12/5145.71, a copy of which is attached to the Appendix.
- H3. Uniform Complaint Procedures Regarding Areas Included in the Williams Settlement – BP/AR/EXH 1312.4:** Please see the Appendix for a copy of Board Policy, Administrative Regulation, and Exhibits No. 1312.4.

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**H4. Other Complaint Procedures:** Other complaint procedures include Board Policy and Administrative Regulation No. 1312.1 – Complaints Regarding District Employees; Board Policy and Administrative Regulation No. 1312.2 – Complaints Regarding Instructional Materials; and Board Policy and Administrative Regulation No. 6159.1 – Procedural Safeguards and Complaints for Special Education.

**H5. Parent Involvement - BP 6020:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 6020.

## **I. BUS TRANSPORTATION**

### **I1. Bus Transportation Information**

The established radius zone\* distance for students shall be as follows:

- a. For grades K-6, the radius zone will be drawn at a distance of one (1) mile from the school site.
- b. For grades 7-12, the radius zone will be drawn at a distance of two and one half (2.5) miles from the school site.

Students who live within the radius zones as defined above will not be provided transportation regardless of the distance to the school.

Modifications to the radius zone distance may be for special pockets\*\* as outlined below. Students who live inside special pockets as defined will not be eligible for home-to-school transportation regardless of the distance to school.

All regular education routes are available on the CUSD website using the following: <https://www.cusd.com//BusInformation.aspx>

- \* Radius zone: The area measured by drawing a circular radius from a central location established at the school site campus and around the school within the school's attendance boundary.
- \*\* Special pockets: Areas of a neighborhood that are outside the radius zones but with similar walking conditions of students not receiving transportation, and areas which the Superintendent or designee has defined as critical to the academic success and attendance.

### **I2. Requirements for Riding a School Bus**

The following bus passenger requirements are presented in order that each student who rides the bus will arrive safely, on time, and have the proper mindset to learn:

- a. Arrive at your designated bus stop five minutes before the scheduled leave time.
- b. Wait for your bus in a safe place at least 12 feet off of the roadway.
- c. Wait until the bus is completely stopped, enter your bus in an orderly manner and take your seat immediately. Utilize seatbelts when available on the bus.
- d. Guidelines to follow when utilizing seatbelts:
  - (1) Fastening: To fasten, insert the latch plate into the proper buckle. The latch plate inserts into the buckle until you hear an audible snap sound and feel it latch.



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Make sure the latch plate is securely fastened in the buckle.

- (2) Unfastening: To unfasten, push the buckle release button and remove the latch plate from the buckle. The buckle has a release mechanism that, when manually operated during "unbuckling," breaks the bond and separates the two sections.
  - (3) Acceptable placement of passenger restraint systems on pupils: Adjust the lap belt to fit low and tight across the hips/pelvis, not the stomach area. Place the shoulder belt snug across the chest, away from the neck. Never place the shoulder belt behind the back or under the arm. Position the shoulder belt height adjuster so that the belt rests across the middle of the shoulder. Failure to adjust the shoulder belt properly would reduce the effectiveness of the lap/shoulder belt system and increase the risk of injury in a collision.
  - (4) Passenger restraint systems shall be used at all times the school bus or school pupil activity bus is in motion.
  - (5) When not in use, passenger restraint systems shall be fully retracted into the retractors so that no loose webbing is visible, or stored in a safe manner per the school bus manufacturer's instructions.
- e. Be courteous to your school bus driver and fellow passengers.
  - f. All students utilizing home to school transportation shall have in their possession a valid bus pass. Students will be required to scan their bus pass when boarding and exiting the bus for their home to school transportation.
  - g. Students are assigned to the bus stop that is located closest to their registered address. Students shall utilize the bus assigned to their designated stop only. (1) Exceptions to this regulation will be permitted only on a daily basis when the student has a written statement bearing the parent's signature and signed by a school administrator. The written statement shall be forwarded to the bus driver. (2) "Daily passes" will NOT be accepted for community funded buses.
  - h. CUSD has outfitted its fleet of school buses with audio and visual recording devices to ensure that our passengers and drivers are provided the highest level of safety at all times while aboard our buses. These devices record both video and audio throughout the interior of the school bus.
  - i. Cell phones ARE NOT to be used on a school bus just as in a classroom setting. Students may use a cell phone only in emergencies.

### **13. Posted Bus Rules of Conduct**

1. All School and CUSD Regulations Apply While On or Near a School Bus!
  - a. Fighting (physical contact) \*\*\* fighting (verbal altercation)\*\* is prohibited.
  - b. Threatening behavior and/or harassment of any kind is prohibited.\*\*\*
  - c. Weapons, smoking, e-cigarettes (vaping) laser pens, drugs, or alcohol is forbidden on or near a school bus.\*\*\*
  - e. Cross the street in front of the bus and only under the supervision of your bus driver.\*\*\*

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- f. Follow the instructions of your bus driver at all times.\*\*
  - g. Students are to remain seated and facing forward while the bus is in motion. If the bus is so equipped, students SHALL appropriately utilize seat belts at all times.\*\*
  - h. Keep your arms and head inside the bus at all times.\*\*
  - i. Profanity, discriminatory comments, indecent language, or obscene gestures is prohibited.\*\*
  - j. Any property defaced or destroyed on the school bus will be paid for by the student and/or their parent/guardian.\*
  - k. Eating, drinking, and chewing gum are prohibited.\*
  - l. Spitting or throwing objects on the bus or out the window is prohibited.\*
  - m. Loud or boisterous noises, use of electronic devices, singing, or whistling will not be permitted.\*
  - n. Glass objects, inflated balloons, cleats, scooters, and skateboards will not be permitted, unless in an enclosed bag.\*
  - o. Animals or insects (dead or alive) are not allowed on the bus.\*
2. Failure to comply with these rules will result in the following:

\*\*\* Zero Tolerance – 10 day suspension from bus

\*\*Level One – 5 day suspension from bus – 1 warning prior to referral

\*Level Two – 2 day suspension from bus – 2 warnings prior to referral

3. Failure to abide by one or more of these rules may result in the loss of bus riding privileges.

California law governing school buses and school pupil activity buses (SPAB) holds that “the driver shall be held responsible for the orderly conduct of pupils while they are on the bus.” (5 CCR § 14103) It also states a school bus or SPAB bus “shall not be put into motion until all passengers are seated, and all passengers must remain seated while the vehicle is in motion.” (13 CCR § 1217) This means that students cannot use the restroom facilities aboard a SPAB bus while the bus in motion. Failure to abide by one or more of these rules shall result in the loss of bus riding privileges.

Each bus driver will be responsible for the bus and for all passengers at all times, except when students are under the sole jurisdiction of a faculty member at the activity or event which they are attending.

#### **14. Procedure for Issuing a Warning of Unsatisfactory Conduct On or Near a School Bus**

Before issuing a Notice of Unsatisfactory Conduct, the driver is required to issue a “Warning of Unsatisfactory Conduct on or Near a School Bus” for Level 1 & 2 infractions as follows:

1. Level 1 infractions require the driver to issue ONE written warning slip before issuing a “Notice of Unsatisfactory Conduct”
2. Level 2 infractions require the driver to issue TWO written warning slips before

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issuing a “Notice of Unsatisfactory Conduct”

A maximum of two warnings shall be issued per student, per item as indicated on the warning report. Appropriate discipline will be determined and administered by the school site administrator.

## **15. Bus Discipline Procedures**

Violation of the posted rules and regulations may result in the loss of bus riding privileges. A student who rides the bus in CUSD is disciplined in accordance with state statutes and will be subject to disciplinary actions for violation of any of the Posted Rules of Conduct for CUSD, as outlined in CUSD policies.

Disciplinarians shall normally apply progressive discipline procedures when the driver issues a “Notice of Unsatisfactory Conduct On or Near School Bus” referral as outlined:

- a. The first referral and second referral the school site administrator issues appropriate discipline as outlined:
  - “Zero Tolerance” section equals a 10 day suspension from bus
  - “Level One” section equals a 5 day suspension from bus
  - “Level Two” section equals a 2 day suspension from bus
- b. The third referral: suspension from all CUSD buses for the remainder of the school year.
- c. In cases where the disciplinarian determines that the student behavior causes a danger to person or property, the student shall be immediately suspended from ridership.

## **16. Procedures for Operation Of School Buses And SPAB/Charter Operations When Atmospheric Conditions Reduce Visibility To 200 Feet Or Less**

Determining Foggy Day Schedules: This process has been developed to serve the entire CUSD as best as possible.

- a. A committee of transportation employees is strategically located throughout the 199 square miles of CUSD.
- b. Between 5:30 a.m. and 5:40 a.m. the designated employees survey their area and determine whether hazardous driving conditions are present.
- c. The information is gathered from ALL areas of CUSD. If the majority of information points to hazardous atmospheric conditions throughout CUSD, a foggy day schedule is announced.

The following procedures will be used to implement a foggy day schedule in CUSD on extremely foggy days:

- a. A decision will be made no later than 6:00 A.M. whether or not the departure time of buses must be delayed.
- b. If departure times of school buses must be delayed, an announcement will be made on PBS Channel 18 KVPT TV-18 and KMJ 580 AM radio, starting no later than 6:15 a.m. There will be continuous broadcasting on these channels.

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- c. If buses within CUSD are delayed, the word “Schedule A” or “Schedule B” will appear after CUSD’s name.
  - d. “Schedule A” means that buses will be delayed two hours. If fog conditions require, “Schedule B” means that buses will be delayed four hours. If fog conditions require that “Schedule B” is necessary, all transportation for morning kindergarten classes will be canceled. Recreation runs may need to be canceled due to heavy afternoon fog. A decision should be made prior to the P.M. buses leaving the site.
  - e. Out of town activity trips will be reviewed and, if needed, delayed until such time as conditions improve. Out of town or late activity trips may be canceled due to these conditions. Students who walk or provide their own transportation to school should arrive at the normal time. Unless an additional announcement is made, afternoon bus runs and athletic runs will operate on a regular schedule.

### **17. Walking To and From School Bus Stops**

Use crosswalks and/or intersections to cross streets. Do not cross in the middle of the block.

- a. Use sidewalks where available. If no sidewalks are available, do not walk in the roadway.
- b. Arrive at the bus stop five (5) minutes prior to stop time.
- c. Wait for your bus driver to escort you across the street.
- d. Never run to or from the bus.
- e. Go directly home.

### **18. Red Light Escort Crossing Information**

Remain seated until the bus is stopped.

- a. Exit bus and wait on sidewalk until driver verbally tells you it is safe to cross the roadway. Failure to follow this procedure shall result in a ten (10) day suspension from the bus.
- b. Cross the street in the area between the driver and the front of the bus.
- c. Walk quickly across the street, do not run or play in the street.

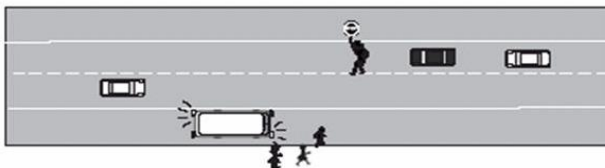


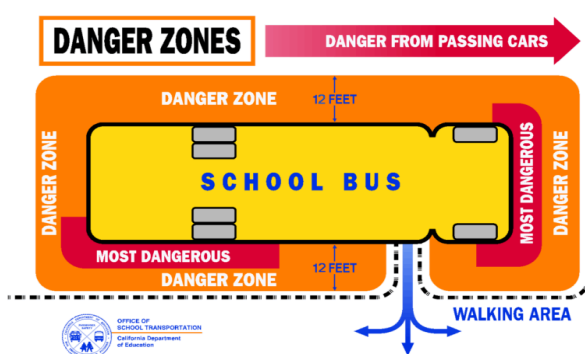
Figure Unit VII-12. Passenger Unloading-Escorted Crossover

### **19. School Bus Danger Zones**

Some of the danger zones children are commonly found in while loading or unloading the bus are shown in the diagram below. Never stop and play in the following zones:

- 1. Directly in front of the bus.
- 2. The area near the entrance door.

3. The area near the front tires (on either side of the bus).
4. The area near the rear tires (on either side of the bus).
5. Directly behind the bus.



## 110. Safe Riding Practices and Emergency Procedures

Board policy and state law require all pupils in pre-kindergarten, kindergarten, and grades 1st to 8th who receive home to school transportation be given appropriate classroom instruction in safe bus riding practices and participate in an emergency bus evacuation drill.

The training must include the following:

- a. Proper loading and unloading procedures, including escorting by the driver.
- b. How to safely cross the street, highway, or private road.
- c. Instruction in the use of passenger restraint systems.
- d. Proper passenger conduct.
- e. Location of emergency equipment.
- f. Bus evacuation procedures – pupils will evacuate the school bus through emergency exit doors.

**111. Transportation of Students By Private Vehicle - BP 3541.1:** Please see the Appendix for a copy of Board Policy and Administrative Regulation No. 3541.1.

## J. APPENDIX – BOARD POLICIES, ADMINISTRATIVE REGULATIONS, AND EXHIBITS

CUSD may amend its board policies (BP), administrative regulations (AR), and exhibits (EXH) from time to time to reflect changes in the law or other developments. Please go to the CUSD website to access the most recent board policies, administrative regulations, and exhibits: <https://boardpolicies.cusd.com/ClovisUnifiedBoardPolicies.aspx>.

BP/AR/EXH No.	Title
NA	Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigrations Issues, Appendix G: Know Your Educational Rights
NA	Non-Discrimination, Hiring Practice and Procedures, Sexual Harassment, Title IX Complaint Procedures – Notification Statement
NA	Parent Notice of Available Language Programs and Language Acquisition Programs
1312.1 BP	Complaints Regarding District Employees
1312.1 AR	Complaints Regarding District Employees
1312.2 BP	Complaints Regarding Instructional Materials
1312.2 AR	Complaints Regarding Instructional Materials
1312.3 BP	Uniform Complaint Procedures
1312.3 AR	Uniform Complaint Procedures
1312.3(1) EXH	Uniform Complaint Form
1312.3(2) EXH	Notice to Parents/Guardians, Students, and Teachers: Preschool Complaint Rights
1312.3(3) EXH	Preschool Complaint Form: Uniform Complaint Procedures
1312.4 BP	Williams Uniform Complaint Procedures
1312.4 AR	Williams Uniform Complaint Procedures
1312.4(1) EXH	Notice to Parents/Guardians, Students, and Teachers: K-12 Complaint Rights
1312.4(2A) EXH	Williams Uniform Complaint Form (English)
1312.4(2B) EXH	Williams Uniform Complaint Form (Hmong)
1312.4(2C) EXH	Williams Uniform Complaint Form (Spanish)
3541.1 BP	Transportation For School Related Trips/Private Vehicles
3541.1 AR	Transportation For School Related Trips/Private Vehicles
4119.12, 4219.12, 4319.12 / 5145.71 AR	Title IX Sexual Harassment Complaint Procedures
5113 BP	Student Absences, Excuses, and Make Up Opportunities
5113 AR*	Student Absences, Excuses, and Make Up Opportunities

BP/AR/EXH No.	Title
5116.1 BP	Intra-District Transfers/Open Enrollment
5116.1 AR*	Intra-District Transfers/Open Enrollment
5116.1 EXH*	Open Enrollment Transfer Application
5117 BP	Inter-District Attendance/Transfers
5117 AR*	Inter-District Attendance/Transfers
5125 BP	Student Records
5125 AR*	Student Records
5125.1 BP	Release of Directory Information
5125.1 AR*	Release of Directory Information
5131.2 BP	Bullying
5131.2 AR*	Bullying
5131.6 BP	Alcohol, Tobacco, and Other Drugs Prevention/Intervention
5131.6 AR*	Alcohol, Tobacco, and Other Drugs Prevention/Intervention
5132 BP	Dress and Grooming
5132 AR	Dress and Grooming
5141.52 BP	Student Suicide Prevention
5141.52 AR*	Student Suicide Prevention
5144 BP	Student Discipline
5144 AR	Student Discipline
5144.10 BP	Student Discipline – Zero Tolerance
5144.10 AR	Student Discipline – Zero Tolerance
5144.10 EXH	Notification – Zero Tolerance
5145.12 BP	Student Search and Seizure
5145.12 AR	Student Search and Seizure
5145.13 BP	Response to Immigration Enforcement
5145.13 AR	Response to Immigration Enforcement
5145.3 BP	Nondiscrimination/Harassment
5145.3 AR	Nondiscrimination/Harassment
5145.7 BP	Sexual Harassment
5145.7 AR*	Sexual Harassment
5146 BP	Married/Pregnant/Parenting Students
6020 BP	Parent Involvement
6020 AR*	Parent Involvement

BP/AR/EXH No.	Title
6145 BP	Co-Curricular and Extra-Curricular Activities
6145 AR	Co-Curricular and Extra-Curricular Activities
6159.1 BP	Procedural Safeguards and Complaints for Special Education
6159.1 AR	Procedural Safeguards and Complaints for Special Education
6161.11(3) EXH*	Supplementary Instructional Materials – Letter to Parent
6163.4 BP	Student Use of Technology
6163.4 AR	Student Use of Technology
6163.4 EXH	Student User Agreement
6164.4 BP	Identification and Evaluation of Students for Special Education Under the Individuals with Disabilities Improvement Act (IDEA)
6164.4 AR	Identification and Evaluation of Students for Special Education Under the Individuals with Disabilities Improvement Act (IDEA)

\* Currently being updated and is not included as part of the Appendix. Please go to the CUSD website to access the most recent board policies, administrative regulations, and exhibits: <https://boardpolicies.cusd.com/ClovisUnifiedBoardPolicies.aspx>.

Doc# 68676-2 (07/2023)



# Promoting a Safe and Secure Learning Environment for All:

Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues



Xavier Becerra  
California Attorney General  
April 2018

## Appendix G

### Know Your Educational Rights

#### Your Child has the Right to a Free Public Education

- All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the students' parents or guardians.
- In California:
  - All children have the right to a free public education.
  - All children ages 6 to 18 years must be enrolled in school.
  - All students and staff have the right to attend safe, secure, and peaceful schools.
  - All students have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
  - All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

#### Information Required for School Enrollment

- When enrolling a child, schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency.
- You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

#### Confidentiality of Personal Information

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
- Some schools collect and provide publicly basic student "directory information." If they do, then each year, your child's school district must provide parents/guardians with written notice of the school's directory information policy, and let you know of your option to refuse release of your child's information in the directory.

#### Family Safety Plans if You Are Detained or Deported

- You have the option to provide your child's school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.
- You have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

## **Right to File a Complaint**

- Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.

**CLOVIS UNIFIED SCHOOL DISTRICT  
NON-DISCRIMINATION, HIRING PRACTICE AND PROCEDURES, SEXUAL HARASSMENT,  
TITLE IX AND COMPLAINT PROCEDURES  
NOTIFICATION STATEMENT**

**1. GENDER EQUITY**

It is the policy of the Clovis Unified School District (District) not to discriminate on the basis of gender in its educational program activities or employment policies and practices as required by Title IX of the 1972 Education Amendments. (Board Policies No. 5145.3 and 4030, Board Policies and Administrative Regulation No. 4111, 4211, 4311, and Administrative Regulation No. 4119.12, 4219.12, 4319.12/5145.71)

**2. NON-DISCRIMINATION**

The District prohibits discrimination, intimidation, harassment (including sexual harassment) or bullying based on a person's actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. Discrimination is also prohibited on other basis protected by federal, state, or local law, ordinance, or regulation. The above prohibition applies to all acts related to school activity or school attendance within a school under the jurisdiction of the District. See Board Policies No. 4030 – Nondiscrimination in Employment; 5145.3 – Non-Discrimination/Harassment; and 5145.7 – Sexual Harassment. For questions or complaints, contact: Equity Compliance Officer - Norm Anderson, Deputy Superintendent, 1450 Herndon Avenue, Clovis, CA 93611, (559) 327-9000, NormAnderson@cusd.com; Title IX Coordinator, Human Resources - Sharen Crosby, Risk Manager, 1450 Herndon Avenue, Clovis, CA 93611, (559) 327-9000, SharenCrosby@cusd.com; Title IX Coordinator, Students - Russ Harding, Student Services and School Attendance Assistant Director, 1465 David E. Cook Way, Clovis, CA 93611, (559) 327-9200, RussHarding@cusd.com; Title IX Coordinator, Athletics/Sports - Steve France, Assistant Superintendent, Education Services, 1450 Herndon Avenue, Clovis, CA 93611, (559) 327-9380, SteveFrance@cusd.com; Section 504 Coordinator - Wendy Karsevar, 1680 Herndon Avenue, Clovis, CA 93611, (559) 327-9400, WendyKarsevar@cusd.com.

**3. HIRING PRACTICE AND PROCEDURES**

It is the policy of the District to guarantee to all persons equal access to all categories of employment in the District, regardless of actual or perceived race, religion, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, military and veteran status, or pregnancy. (Board Policy No. 4111, 4211, 4311; Gov. Code § 12940)

**4. HATE MOTIVATED BEHAVIOR**

A safe school environment is free of hate motivated behavior. Acts of hate motivated behavior constitute a disruptive influence in the community and on a school campus. Hate motivated acts may be sufficiently severe or pervasive to create an intimidating, hostile, or offensive education environment and to have a negative impact upon the victim's academic performance. It is the policy of the District that students who engage in hate motivated acts shall be referred for consideration for suspension or expulsion. (Board Policies No. 5144 and 5144.10)

**5. SEXUAL HARASSMENT**

It is the policy of the District to act promptly, visibly, and vigorously to eliminate all forms of sexual harassment from the campuses and workplace. (Board Policies No. 4119.11, 4219.11, 4319.11 and 5145.7 and Administrative Regulation No. 4119.12, 4219.12, 4319.12/5145.71)

**6. PUPIL FEE**

A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. (Educ. Code § 49011) A "pupil fee" means a fee, deposit, or other charge imposed on a pupil, or the pupil's parents or guardians, in violation of Education Code section 49011 and Section 5 of Article IX of the California Constitution, which requires educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. (Educ. Code § 49010) Any complaint regarding a pupil fee shall be filed using the District's uniform complaint procedures, which is contained in Board Policy and Administrative Regulation No. 1312.3 and described below. (Educ. Code § 49013) A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (5 CCR § 4630)

**7. BULLYING**

It is the policy of the District to prohibit discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics described in Penal Code section 422.55, Education Code section 220, or association with a person or group with one or more of these actual or perceived characteristics. All school personnel who witness an act of discrimination, harassment, intimidation or bullying shall take immediate steps to intervene when safe to do so. Students who witness such an act or who suspect that another student is a victim of such acts are encouraged to notify school staff. A student who believes he or she is a victim of bullying may submit a complaint form under the District's uniform complaint procedures, Board Policy and Administrative Regulation No. 1312.3, within six months of the alleged bullying occurrence. This period may be extended by the District's Superintendent or designee for good cause for a period not to exceed 90 days. (Board Policy No. 5131.2; 5 CCR § 4630(b))

**8. FORMAL COMPLAINT PROCEDURES**

It is the policy of the District to develop and publish complaint procedures for the prompt and equitable resolution of complaints of students, employees, parents/guardians, and the public regarding District employees. (Board Policy No. 1312.1)

**9. UNIFORM COMPLAINT PROCEDURES**

The District is primarily responsible for compliance with applicable state and federal laws and regulations in the District. Board Policy and Administrative Regulation No. 1312.3 provide a process to file a complaint related to certain claims alleging a violation of law, such as discrimination, harassment, intimidation, or bullying, as well as other claims alleging a failure to comply with certain laws such as non-compliance with LCAP and required physical education minutes, compliance with laws related to students in foster care, homeless students, students formerly in juvenile court school, students from military families, or charging of a pupil fees. The Associate Superintendent of School Leadership is the responsible District employee designated to receive complaints. Complaints regarding discrimination, harassment, intimidation, or bullying must be filed within six months from the date of the alleged discrimination, harassment, intimidation, or bullying or six months from the date that the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. Within 60 days from the date the District receives the complaint, an investigation shall be completed and written decision prepared, except upon written agreement of the complainant to extend the 60-day timeline. The complainant has a right to appeal the District's decision to the California Department of Education by filing a written appeal within 30 days of receiving the District's written decision. Civil law remedies, including but not limited to injunctions, restraining orders, or other remedies or orders may also be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and an appeal may be available pursuant to Education Code section 262.3. A pupil fee or LCAP complaint can be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint. Copies of the District's complaint procedures are available free of charge and can be accessed at <https://boardpolicies.cusd.com/ClovisUnifiedBoardPolicies.aspx>. (Board Policy No. 1312.3; 5 CCR §§ 4620-4633)

*Assistance in dealing with any concerns regarding these policies can be obtained from the site administration.*

- *Si necesitayudapara leer estacarta o necesitamasinformacionllamepor favor a la escuela.*
- *Yog koj xa kom pab pab koj txog daim ntawv no thov hu tuaj rau pab.*

NOTE: If there is any conflict between any provision in this notice and any provision as set forth in applicable laws or any District policies or administrative regulations, the provision in the applicable law or District policies or administrative regulation shall apply. Current District board policies and administrative regulations are available at: <https://boardpolicies.cusd.com/ClovisUnifiedBoardPolicies.aspx>.



The California Education for a Global Economy Initiative provides parents the right to request **language acquisition programs** that offer students access to high-quality, research-based language instruction.

This initiative defines **language acquisition programs** as educational programs designed for English learner students:

- to ensure English acquisition as rapidly and effectively as possible, and
- to provide instruction to these pupils on the state-adopted academic content and English Language Development (ELD) standards through Integrated and Designated ELD.
  - Designated ELD is defined as instruction provided during a time during the regular school day for focused instruction on the state-adopted ELD standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (*California Code of Regulations, Title 5 [5 CCR] Section 11300[a]*)
  - Integrated ELD is defined as instruction in which the state-adopted ELD standards are used in tandem with the state-adopted academic content standards. Integrated ELD includes specifically designed academic instruction in English. (*5 CCR Section 11300[c]*)

This notice serves as notification that Clovis Unified School District offers a Structured English Immersion Program (SEI) as the language acquisition program for all English learner students. (Ed Code 305-306; 5 CCR 11309)

In a Structured English Immersion Program (SEI) nearly all classroom instruction is provided in English but with a curriculum and a presentation designed for pupils who are learning English. Typically, SEI includes:

- English language development (ELD) appropriate to each student's level of English proficiency, which is typically provided in a Designated ELD classroom setting,
- content instruction utilizing specially designed academic instruction in English (SDAIE) whenever needed for full access to the core curriculum, and
- may include support in the student's home language to check for understanding and provide clarification when needed.

As per Board Policy 6174, at the beginning of each school year, upon a student's enrollment or upon identification of the student as an English learner student based on the results of the ELPAC, the student's parents/guardians shall be provided information on the type of language acquisition program available to students in the district, including a description of the program, and the process to request the establishment of a language acquisition program. (Ed Code 310; 5 CCR 11310-11311)

Parents may provide input regarding language acquisition programs during the development of the Local Control Accountability Plan. (Ed Code 305) To the extent possible, the school shall offer any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level. Possible language acquisition programs may include but are not limited to: (Ed Code 305-306)

- A Dual Language Immersion Program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.
- A Transitional or Developmental Program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English



proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards.

If interested in a program different from the Structured English Immersion Program offered in Clovis Unified School District, please contact the Learning Director of English Learners for information on the process to request the establishment of a language acquisition program.

Regards,

Lisa Vuola, Learning Director for English Learners  
559.327.0600

**CLOVIS UNIFIED  
SCHOOL DISTRICT****COMMUNITY RELATIONS  
COMPLAINTS REGARDING DISTRICT EMPLOYEES**

**PURPOSE:** To establish a process for the expeditious resolution of complaints regarding District employees.

The Board's policy is to provide a process for the expeditious resolution of complaints filed by pupils, employees, parents/guardians, and the public regarding District employees pursuant to the procedures in the administrative regulation to this policy.

The Superintendent or designee will not investigate a complaint that is filed anonymously unless there is specific and reliable information, and/or consideration of other pertinent factors warrant an investigation.

Upon receipt of a complaint, the Superintendent or designee shall determine whether the complaint is against the District and/or a District employee and whether it should be handled pursuant to this policy and the accompanying administrative regulation. Complaints regarding subject matters that are addressed by other policies shall be handled using the procedures set forth in the applicable policy and administrative regulation.

The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

Adopted: 11/14/1984

Reviewed: 01/11/1989, 02/22/2006, 01/14/2009, 06/15/2010, 01/25/2012

Amended: 04/10/1991, 05/13/1992, 08/02/1995, 09/22/1999, 12/15/2004, 01/23/2008,  
01/15/2014, 09/23/2020 (BP 9207 renumbered as BP 1312.1)

**EDUCATION CODE**

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

48987 Child abuse guidelines

**GOVERNMENT CODE**

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

COURT DECISIONS

Baca v. Moreno Valley Unified School District (1996) 936 F. Supp. 719

Doc# 40851-5 (05/2020, 05/2019)



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## CLOVIS UNIFIED SCHOOL DISTRICT

### COMMUNITY RELATIONS COMPLAINTS REGARDING DISTRICT EMPLOYEES

The process stated in this administrative regulation shall be followed when filing complaints regarding District employees.

#### A. Complaint Process

##### 1. Informal Complaint

Pursuant to the Complaint Process Flow Chart (Section D below), and if acceptable to the complainant, an informal complaint is initiated within five business days of the alleged occurrence by discussing the incident or matter either with the employee involved in the situation or with the site administrator/department supervisor before filing a written complaint. The purpose of the informal complaint process is to allow the involved parties to resolve the issue through a consultation process rather than the formal complaint process.

##### 2. Formal Complaint

If the complaint cannot be resolved at the informal level, or if the complainant rejects the informal process, the complainant may submit a formal complaint to the appropriate assistant superintendent or designee within 15 business days of the alleged occurrence. The formal complaint may be submitted using the Complaint Form (Exhibit No. 1312.1(1)) and shall follow the process as set forth in the Complaint Process Flow Chart (Section D below). The complainant shall type or print, sign, and date the Complaint Form.

The complainant is not limited to only the Complaint Form. The complainant may write a letter of complaint or attach additional pages/documents to the Complaint Form. The complainant may request assistance from District staff when filing the complaint, if needed. If necessary, a meeting will be scheduled to discuss the complaint with the complainant.

##### 3. Appeal

If the complaint is not resolved to the complainant's satisfaction, the complainant may submit an appeal to the Associate Superintendent of School Leadership or designee within 10 business days of the date of the District's response to the formal complaint using the Appeal Form (Exhibit No. 1312.1(2)). A copy of the Complaint Form and the response from the assistant superintendent or designee should be submitted with the Appeal Form when possible.

#### B. Investigation

1. When a formal complaint or an appeal is filed, a thorough and objective investigation will be conducted. The investigation may be assigned to District staff or to outside persons or organizations. An outside investigator or investigators may be engaged by the Superintendent

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## CLOVIS UNIFIED SCHOOL DISTRICT

or designee depending on the nature and scope of the allegations. The term investigator includes a neutral fact finder or other professional knowledgeable about the law/programs that he/she is assigned to investigate.

2. The investigator(s) shall consult with all individuals reasonably believed to have relevant information, including the complainant and any witnesses to the misconduct, and victims of similar misconduct, if any, that the investigator(s) reasonably believes may exist.
3. When determining whether the alleged misconduct constitutes a violation, the investigator(s) should consider the totality of the circumstances including, as appropriate, but not limited to:
  - a. The nature of the alleged misconduct or violation.
  - b. How often the alleged misconduct or violation occurred.
  - c. Whether there were past incidents or continuing patterns of misconduct or violation.

### C. Decision

#### 1. Formal Complaint

The appropriate assistant superintendent or designee shall respond in writing to the complainant within 15 business days from the date of the District's receipt of the formal complaint.

#### 2. Appeal

The Associate Superintendent of School Leadership or designee shall respond in writing to the complainant within 15 business days from the date of the District's receipt of the appeal.

The District's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

**CLOVIS UNIFIED  
SCHOOL DISTRICT****D. Complaint Process Flow Chart**

LEVEL	PRESENTS COMPLAINT TO	TYPE OF COMPLAINT	NUMBER OF BUSINESS DAYS TO FILE	NUMBER OF BUSINESS DAYS TO RESPOND
INFORMAL	Employee or Site Administrator/ Department Supervisor	Informal Discussion	Within 5 Business Days of Alleged Occurrence	N/A
FORMAL	Appropriate Assist. Supt. or Designee	Formal In Writing	Within 15 Business Days of Alleged Occurrence	15 Business Days From the Date of District's Receipt of Formal Complaint
APPEAL	Associate Supt., School Leadership or Designee	Appeal in Writing	Within 10 Business Days of Date of District's Response To Formal Complaint	15 Business Days From the Date of District's Receipt of Formal Complaint

Adopted: 01/07/1989

Reviewed: 01/14/2009, 06/15/2010

Amended: 01/03/1983, 05/13/1992, 09/22/1999, 12/15/2004, 02/22/2006, 01/23/2008, 02/22/2008, 01/25/2012, 05/10/2022 (AR 9207 renumbered as AR 1312.1)

Doc# 41640-3 (10/2021, 05/2019)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****COMMUNITY RELATIONS****COMPLAINTS REGARDING INSTRUCTIONAL MATERIALS**

**PURPOSE:** To establish a procedure for parents, community members, or employees to submit complaints concerning the content or use of District instructional materials.

The Board recognizes the importance of age and developmentally appropriate instructional materials that are aligned with the adopted core curriculum. The Board uses a comprehensive process to adopt District instructional materials that is based on selection criteria established by law and board policy and includes opportunities for the involvement of parents/guardians, community members, and employees.

The Board authorizes the Superintendent or designee to use the procedures set forth in the accompanying administrative regulation when parents/guardians, community members, or employees submit complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment. This policy is for the purpose of considering the opinions of parents/guardians, community members, and employees who are not directly involved in the selection process for instructional materials.

Parents/guardians are encouraged to discuss any concerns regarding instructional materials with their child's teacher and/or the school principal. If the situation remains unresolved, a complaint may be filed using the process specified in the administrative regulation.

For complaints regarding alleged deficiencies of textbooks and instructional materials, the procedure in Board Policy and Administrative Regulation No. 1312.4 – Williams Uniform Complaint Procedures shall apply.

Adopted: 06/21/1995

Amended: 02/11/2004, 12/12/2007, 01/27/2016, 09/23/2020 (BP 3306 renumbered as BP 1312.2)

**EDUCATION CODE**

18111 Exclusion of books by governing board

35010 Control of district; prescription and enforcement of rules

35186 Williams Uniform Complaint Procedures

44805 Enforcement of course of studies; use of textbooks, rules and regulations

51501 Subject matter reflecting on race, color, etc.

60000-60005 Instructional materials, legislative intent

60040-60048 Instructional requirements and materials

60119 Public hearing on sufficiency of materials

60200-60206 Elementary school materials

60226 Requirements for publishers and manufacturers

60400-60411 High school textbooks

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

60510-60511 Donation of sale of obsolete instructional materials

Doc# 40852-6 (08/2020, 03/2006)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### COMMUNITY RELATIONS COMPLAINTS REGARDING INSTRUCTIONAL MATERIALS

The following procedures shall be used when parents/guardians, community members, or employees submit complaints regarding the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment.

#### A. Informal Complaint and Reconsideration

The school receiving a complaint regarding an instructional material shall try to resolve the issue informally.

1. The principal or library media teacher or designee shall explain to the complainant the school's selection procedure, criteria, and qualifications of those persons selecting the resource.
2. The principal or designee shall explain the particular learning function the challenged instructional material serves in the education program, its intended educational usefulness, and additional information regarding its use, or refer the complainant to a District staff who can identify and explain the use of the instructional material.

#### B. Formal Complaint and Reconsideration

1. *Filing of Formal Complaint/Reconsideration Request.* If a resolution is not obtained through the informal reconsideration procedure set forth in A above and the complainant wishes to file a formal complaint, the site principal or designee shall provide the complainant with Exhibit No. 1312.2 - Request for Reconsideration of Instructional Materials Form (Reconsideration Request Form). The Reconsideration Request Form should be completed and signed by the complainant and filed with the principal or designee where the challenged instructional material is being used. A complainant is encouraged to use the Reconsideration Request Form but is not required to do so.

The site principal or designee shall inform and provide a copy of the Reconsideration Request Form to the following District staff, as applicable:

- a. The Assistant Superintendent of Curriculum, Instruction, and Accountability (CI&A) and the appropriate Administrator for CI&A if the Reconsideration Request Form contains a complaint regarding core instructional materials, supplemental literatures, and/or library materials.
- b. The area/assistant superintendent if the Reconsideration Request Form contains a complaint regarding other instructional materials.

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## CLOVIS UNIFIED SCHOOL DISTRICT

2. *Convening of and Consideration of Reconsideration Request by Reconsideration Panel.* Upon being informed of the filing of a Reconsideration Request Form regarding core instructional materials, supplemental literatures, and/or library materials, the Assistant Superintendent of CI&A or designee shall convene a Reconsideration Panel to review the complaint. Upon being informed of the filing of a Reconsideration Request Form regarding other instructional materials, the appropriate area/assistant superintendent shall convene a Reconsideration Panel to review the complaint.
  - a. Within five business days of the filing of the Reconsideration Request Form, the Assistant Superintendent of CI&A or the appropriate area/assistant superintendent or designee shall provide a copy of the Reconsideration Request Form to the Reconsideration Panel.
  - b. The Reconsideration Panel shall be made up of members from the following:
    - (1) An Administrator from CI&A and the appropriate area/assistant superintendent.
    - (2) A District site principal.
    - (3) One or more teachers depending on the grade level and subject of the challenged instructional material.
    - (4) One or more parents/guardians of students currently enrolled in the District.
  - c. The criteria for the Reconsideration Panel's decision may include the extent to which the challenged material supports the District's curriculum, the educational appropriateness of the material, its suitability for the age level of the student, and the intended educational use.
  - d. Before the Reconsideration Panel may accept a request to review instructional materials that the Reconsideration Panel has reviewed within the last five years, a majority of the Reconsideration Panel members must agree to do so. Every Reconsideration Request Form shall be acted upon by the Reconsideration Panel.
  - e. The decision of the Reconsideration Panel shall be final.
4. *Access to Challenged Material During Reconsideration.* During the reconsideration of the challenged material, such material may remain in use as determined by the site principal or designee until a final decision has been reached. However, upon request of the parent/guardian who has filed a Reconsideration Request Form, his/her child may be excused from using the challenged material until a decision is issued by the Reconsideration Panel. The teacher shall assign the student an alternative material of equal merit.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

Adopted: 10/14/2021 (Contents of sections A and B moved from BP 3306 and modified)

Doc# 54291-2 (10/2021, 03/2006)



**CLOVIS UNIFIED  
SCHOOL DISTRICT****COMMUNITY RELATIONS  
UNIFORM COMPLAINT PROCEDURES**

**PURPOSE:** To establish procedures for resolving complaints that are required to be resolved through the District's uniform complaint procedures.

The Board recognizes that the District has primary responsibility for ensuring that it complies with 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 4600-4694 and the accompanying administrative regulation.

**A. Complaints Subject to Uniform Complaint Procedures**

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

1. Accommodations for pregnant and parenting students. (Education Code 46015)
2. Adult education programs. (Education Code 8500-8538, 52234.7, 52500-52617)
3. After School Education and Safety programs. (Education Code 8482-8484.65)
4. Agricultural career technical education. (Education Code 52460-52462)
5. Career technical and technical education, career technical, and technical training programs. (Education Code 52300-52462)
6. Childcare and development programs. (Education Code 8200-8488)
7. Compensatory education. (Education Code 54400)
8. Consolidated categorical aid programs. (34 CFR 299.10-299.12, Education Code 33315)
9. Course periods without educational content. (Education Code 51228.1-51228.3)
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 a 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

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

the person's association with a person or group with one or more of these actual or perceived characteristics. (5 CCR 4610)

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school. (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act. (20 USC 6301 et seq., Education Code 52059.5)
13. Local control and accountability plan. (Education Code 52075)
14. Migrant education. (Education Code 54440-54445)
15. Physical education instructional minutes. (Education Code 51210, 51222, 51223)
16. Student fees. (Education Code 49010-49013)
17. Reasonable accommodations to a lactating pupil. (Education Code 222)
18. Regional occupational centers and programs. (Education Code 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 64001)
20. School safety plans. (Education Code 32280-32289)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 65000)
22. California State Preschool Programs. (Education Code 8207-8225)
23. State preschool and safety issues in license-exempt programs. (Education Code 8212)
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 education program the Superintendent of Public Instruction deems appropriate. (Education Code 33315)

The Superintendent or designee shall ensure that employees responsible for compliance and/or investigations of complaints are knowledgeable about the laws and programs for which they are assigned to investigate. (5 CCR 4621) Such employees may have access to legal counsel as determined by the Superintendent or designee.

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**CLOVIS UNIFIED  
SCHOOL DISTRICT**

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 sections 4631 and 4633.

**B. Non-UCP Complaints**

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. Non-UCP complaints and/or allegations shall be investigated and resolved using the procedures set forth in the applicable policy and administrative regulation.

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. Allegations of child abuse shall be referred to the county department of social services, protective services division or the appropriate law enforcement agency. (5 CCR 4611(a))
2. Health and safety complaints regarding licensed facilities operating a child development program shall be referred to the county department of social services. (5 CCR 4611(b))
3. Any complaint alleging that a student, while in an education program or activity in which the District exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation No. 4119.12, 4219.12, 4319.12/5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Allegations of employment discrimination or harassment may be addressed by the District in accordance with applicable District policies and administrative regulations as appropriate, including the right to file a complaint with the California Civil Rights Department (CCRD). Employment discrimination complaints against the District shall be addressed by the District in accordance with the procedures specified in Administrative Regulation (AR) No. 4030 – Nondiscrimination in Employment. Employment discrimination complaints received under this UCP policy will be referred for processing under AR 4030, unless the person filing the complaint declines the referral in which case the complaint shall be sent to the CCRD consistent with 5 CCR 4611(c).
5. 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 missing assignments shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186; 5 CCR 4610(f))

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

6. Complaints regarding child nutrition programs are addressed under federal provisions pursuant to Title 7 Code of Federal Regulations (CFR) §§ 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d). Other provisions governing complaints regarding child nutrition programs are found in Title 5 CCR §§ 15580 through 15584. (5 CCR § 4610(c)) 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. (5 CCR 15580-15584.) 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. (5 CCR 15582)
7. 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 (except an attorney fees provision), a failure or refusal to implement a due process hearing order to which the District is subject, a failure or refusal to comply with a law or regulation by a public agency other than the District that is applicable to that public agency as it pertains or relates to the provision of a free appropriate public education to individuals with disabilities, or physical safety concerns that interfere with the provision of a free appropriate public education 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, 4610(d)) Complaints regarding special education programs are addressed under 34 CFR §§ 300.151 through 300.153 and 5 CCR §§ 3200 through 3205. (5 CCR 4610(d))
8. Complaints involving "Title IX Sexual Harassment" as that term is defined in Title IX regulations shall be investigated and resolved as set forth in District AR 4119.12, 4219.12, 4319.12 – Sexual Harassment (Personnel) and AR 5145.7 – Sexual Harassment (Students).

**C. No Retaliation**

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, harassment, intimidation or bullying, or for participation in complaint procedures. The District shall protect all complainants from retaliation. (5 CCR 4621) For allegations of retaliation based on the filing of a complaint, the District also shall follow the UCP.

**D. Privacy/Confidentiality**

In investigating complaints, the confidentiality of the parties shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discrimination, 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. (5 CCR 4621)

Adopted: 07/08/1992

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

Reviewed: 10/14/2009

Amended: 04/10/1996, 09/22/1999, 04/24/2002, 07/19/2006, 01/23/2008, 02/27/2013,  
03/12/2014, 09/24/2014, 05/25/2016, 06/28/2017, 09/27/2017, 08/28/2019,  
09/23/2020 (BP 9208 renumbered as BP 1312.3), 04/07/2021, 11/09/2022

**EDUCATION CODE**

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8482-8484.65 After school education and safety

8500-8538 Adult basic education

18100-18203 School libraries

32280-32289 School safety plan, uniform complaint procedures

33315 Uniform complaint procedures

35186 Williams uniform complaint procedures

46015 Parental leave for students

48645.7 Juvenile court schools

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

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

52160-52178 Bilingual education programs

52300-52462 Career technical education

52500-52617 Adult schools

52059.5 Statewide system of support

54400-54425 Compensatory education programs

54440-54445 Migrant education

59000-59300 Special schools and centers

64000-64001 Consolidated application process; school plan for student achievement

65000-65001 School site councils

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

## 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

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

## UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

6301-6576 Title I Improving the Academic Achievement of the Disadvantaged

6801-7014 Title III language instruction for limited English proficient and immigrant students

7114(d)(7) School safety plans

## 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

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

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

Doc# 40853-10 (10/2022, 12/01/2021)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### COMMUNITY RELATIONS UNIFORM COMPLAINT PROCEDURES

Except as the Board may otherwise specifically provide in other District policies, the uniform complaint procedures (UCP) set forth in this administrative regulation shall be used to investigate and resolve only the complaints specified in Board Policy No. 1312.3.

#### A. COMPLIANCE OFFICER/RESPONSIBLE DISTRICT OFFICER

The Board designates the following Responsible District Officer as the compliance officer assigned to receive and coordinate the District's response to uniform complaints and to ensure District compliance with law:

Associate Superintendent of School Leadership  
Clovis Unified School District  
1450 Herndon Avenue  
Clovis, CA 93611-0599  
(559) 327-9000

Complaints of health and safety deficiencies in license-exempt preschool programs shall be filed with the Director of Child Development. See Part E of this administrative regulation.

The Superintendent or designee shall ensure that the Responsible District Officer is trained and knowledgeable about the laws and/or programs that he/she is assigned to investigate. Training 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. The Responsible District Officer may have access to legal counsel as determined by the Superintendent or designee.

In no instance shall the Responsible District Officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against the Responsible District Officer or that raises a concern about the Responsible District 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 Responsible District 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 Responsible District Officer or the administrator shall consult with the Superintendent or designee or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the Responsible District Officer determines that they are no longer necessary or until the District issues its final written decision, whichever occurs first.



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## CLOVIS UNIFIED SCHOOL DISTRICT

### B. NOTIFICATIONS

The District shall comply with the notification requirements of Education Code section 33315 and sections 4622 and 4691 of Title 5 of the California Code of Regulations. Such notification to pupils, employees, parent/guardians of students, the District advisory committee, school advisory councils, and other interested parties shall be included in the Student and Parent Rights and Responsibilities Handbook made available to each District pupil upon registration in the District and at the beginning of each school year. The Student and Parent Rights and Responsibilities Handbook is also available on the District's web site at [www.cusd.com](http://www.cusd.com). Notification to appropriate private school officials or representatives shall be given at the annual consultation meeting between the District and private school officials.

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

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

If 15 percent (15%) or more of students enrolled in a particular District school speak a single primary language other than English, the District's policy, administrative regulation, forms, and notices concerning the UCP shall be translated into that language in accordance with Education Code sections 234.1 and 48985. In all other instances, even if Education Code section 48985 does not apply, the District shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

### C. DEFINITIONS

1. Complaint: A complaint is a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, or bullying. A signature may be handwritten, typed (including in an email), or electronically generated. (5 CCR 4600)
2. Complainant: A complainant means any person, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, or bullying in programs and activities funded directly by the State or receiving any financial assistance from the State. (5 CCR 4600)

## CLOVIS UNIFIED SCHOOL DISTRICT

3. Appeal: An appeal is a written and signed request by a complainant to the California Department of Education (CDE) seeking review of an investigation report that was issued by the District in response to a properly filed complaint. A signature may be handwritten, typed (including in an email), or electronically generated. (5 CCR 4600)

### D. COMPLAINT PROCEDURES

#### 1. Filing of the Complaint

The complaint shall be filed with the District in accordance with the District's complaint procedures described in this administrative regulation. (5 CCR 4630) Complaints of health and safety deficiencies in license-exempt preschool programs have different complaint procedures and timelines; please see Part E of this administrative regulation.

All complaints shall be filed in writing and signed by the complainant. Please see Exhibit No. 1312.3(1), Uniform Complaint Procedures: Complaint Form, which may but is not required to be used. 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)

The written complaint should state the name of the complainant, the date of the complaint, the names of any witnesses, a detailed statement of the circumstances constituting the alleged violation or discrimination, and the requested remedy or resolution.

The complaint shall be presented to the Responsible District Officer designated above who shall maintain a log of complaints received, providing each with a code number and a date stamp. The Responsible District Officer shall maintain a record of subsequent related actions, including all information required for compliance with Title 5 of the California Code of Regulations sections 4631 and 4633.

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

- a. All complaints which allege that the District has violated federal or state laws or regulations governing the programs specified in Board Policy No. 1312.3 may be filed by any individual, public agency, or organization. (5 CCR 4630) The complaint shall be filed with the Responsible District Officer.
- b. 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. (Education Code 49013, 52075; 5 CCR 4630) 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. (5 CCR 4630)

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## CLOVIS UNIFIED SCHOOL DISTRICT

- c. A UCP complaint shall be filed no later than one year from the date the alleged violation occurred, except that a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) shall be filed 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 a complaint alleging unlawful discrimination may be extended for up to 90 days following the expiration of the six-month time period by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

For complaints related to the Local Control and Accountability Plan (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)

The one-year timeline by which complaints shall be filed shall not apply to complaints regarding the educational rights of foster youth as specified in Education Code sections 49069.5(e), 51225.1(a)-(k), and 51225.2(b)-(e). (5 CCR 4630.5)

- d. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by: (1) a person who alleges having personally suffered unlawful discrimination, (2) a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or (3) a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
- e. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the Responsible District 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.

### 2. Notice/Begin Investigation

The Responsible District Officer, other designated employee, or outside investigator(s) shall begin an investigation into the complaint by doing the following:

- a. If the complaint is oral, advise the complainant to put the complaint in writing, and provide the complainant with assistance in writing the complaint, if necessary.
- b. Meet with the complainant, if necessary, to obtain clarification of the complainant's written complaint.

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## CLOVIS UNIFIED SCHOOL DISTRICT

- a. Provide the complainant with a copy of Board Policy No. 1312.3, this administrative regulation, Exhibit No. 1312.3(1) and, if applicable, Exhibits No. 1312.3(2) and (3) and explain that the District has 60 days within which to conduct an investigation and provide the complainant with a written investigation report unless the complainant agrees in writing to an extension. If appropriate, explore the possibility of an early resolution (see 3 below).
- c. Provide the complainant and/or representative notice of the opportunity to present the Responsible District 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.
- d. Inform the alleged offender of the nature of the complaint.
- f. Advise the complainant and alleged offender that the complaint and the investigation, including written reports and other written statements, will be handled as confidentially as possible, consistent with a thorough investigation and appropriate disposition of the matter and current state and federal confidentiality and disclosure laws.

### 3. Early Resolution

When a complaint is received, the District may attempt to resolve the complaint informally within the 60 calendar days in which the District must conduct an investigation and provide a written investigation report to the complainant. The early resolution process is as follows:

- a. The Responsible District Officer may delegate to the site administrator or other District employees the responsibility of contacting the complainant and attempting to resolve the complaint informally by exploring a range of options and coming to a resolution.
- a. If the District and complainant are able to resolve the complaint fully, the resolution shall be documented in writing and communicated to the complainant.
- b. If the District does not seek to resolve the complaint informally or if early resolution efforts are unsuccessful, the District will proceed to conduct the investigation and develop an investigation report within 60 calendar days of receipt of the complaint, unless the District and complainant agree in writing to an extension.

### 4. Investigation of Complaint

The Responsible District Officer shall conduct or cause to be conducted an investigation of the complaint or designate appropriate individuals for that purpose. The investigation of complaints may be assigned to other staff or to outside persons or organizations. As necessary, additional District staff or legal counsel may conduct or support the investigation. An outside investigator or investigators may, subject to the Superintendent or designee authorization, be

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

engaged depending on the nature and scope of the allegations. The term "investigator" includes neutral fact finders or other professionals knowledgeable about the law/programs that he/she is assigned to investigate.

An investigation of a discrimination, harassment, intimidation, or bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process. (5 CCR 4630) When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when not the complainant, requests confidentiality, the Responsible District Officer shall inform the complainant or victim that the request may limit the District's ability to investigate the conduct or to 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.

In conducting the investigation, the investigator 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 investigator 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 investigator 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 investigator shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional District staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the District's investigator(s) 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 allegations. (5 CCR 4631) Likewise, a party responding to the complaint, if any, who refuses to provide the 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.

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. (5 CCR 4631) The District's refusal to provide the District's investigator(s) 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

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## CLOVIS UNIFIED SCHOOL DISTRICT

may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

When determining whether the alleged discriminatory conduct constitutes a violation, the investigator should consider the totality of the circumstances.

### 5. Timeline for Investigation Report and Decision Relating to Complaint

Unless an early resolution has been reached pursuant to 3 above or there is an extension by written agreement with the complainant, the Responsible District Officer shall prepare and send to the complainant a written investigation report 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, or bullying), the respondent to a complaint alleging unlawful discrimination 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.

### 6. Investigation Report

The District's investigation report shall include at least the following: (5 CCR 4631)

- a. The findings of fact based on the evidence gathered.
- b. For each allegation, a conclusion providing a clear determination of whether the District complies with the relevant law.
- c. Corrective action(s), if any, whenever the District finds merit in the complaint. 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. 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. (5 CCR 4600; Education Code 49013, 51222, 51223, 52075)
- d. Notice of the complainant's right to appeal the District's investigation report to CDE, except when the District has used its UCP to address a complaint that is not specified in 5 CCR 4610.
- e. The procedures to be followed for initiating an appeal to CDE.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

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

The District's investigation report shall be provided in English. 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, the District also shall provide the investigation report in the complainant's primary language as required by Education Code section 48985. In all other instances, even if Education Code section 48985 does not apply, the District shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency, which may require translation of the investigation report.

**7. Corrective Actions**

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person and the Responsible District Officer shall adopt any appropriate corrective action permitted by law.

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)

**8. Procedures for Appealing District's Investigation Report**

Any complainant who is dissatisfied with the District's investigation report on a complaint regarding any specified federal or state educational program subject to the 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)

- a. The District failed to follow its complaint procedures.
- b. Relative to the allegations of the complaint, the District's investigation report lacks material findings of fact necessary to reach a conclusion of law.

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## CLOVIS UNIFIED SCHOOL DISTRICT

- c. The material findings of fact in the District's investigation report are not supported by substantial evidence.
- d. The legal conclusion in the District's investigation report is inconsistent with the law.
- e. In a case in which the District found noncompliance, the corrective actions fail to provide a proper remedy.

CDE will not process an appeal if it is untimely, if it fails to include this information, or if it pertains to subject matter not encompassed by the UCP. If CDE determines that the appeal raises issues not contained in the complaint, CDE will refer those new issues back to the District for resolution as a new complaint. (5 CCR 4632)

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)

- b. A copy of the original complaint.
- c. A copy of the District's investigation report.
- d. 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.
- e. A report of any action taken to resolve the complaint.
- f. A copy of Board Policy No. 1312.3, this administrative regulation, Exhibit No. 1312.3(1) and, if applicable, Exhibits No. 1312.3(2) and (3).
- g. Other relevant information requested by CDE.

The District's failure to provide a timely and complete response may result in CDE ruling on the appeal without considering information from the District. (5 CCR 4633)

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 also shall 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)

If CDE determines that the District's investigation report meets UCP requirements, the appeal shall be denied. (5 CCR 4633)



**CLOVIS UNIFIED  
SCHOOL DISTRICT**

CDE must issue a written decision regarding the appeal within 60 days of CDE's receipt of the appeal unless: (1) extended by written agreement, (2) CDE documents exceptional circumstances and informs the appellant, (3) CDE receives notice that the matter has been resolved at the local level, or (4) CDE receives notice that the matter has been judicially decided. (5 CCR 4633)

Within 30 days of CDE's decision, either party may request reconsideration by the State Superintendent of Public Instruction (SSPI) or designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in CDE's decision. (5 CCR 4635) Within 60 days of receipt of the request for reconsideration, the SSPI or designee shall respond in writing to the parties. Pending the response, the CDE appeal decision remains in effect and enforceable, unless stayed by a court. (5 CCR 4635)

**9. Complaints Filed Directly With CDE**

If a complaint is erroneously filed with CDE without first being filed with and investigated by the District, CDE shall immediately forward the complaint to the District for processing in accordance with the District's UCP provisions unless extraordinary circumstances exist necessitating direct state intervention. (5 CCR 4640)

CDE may, at its discretion, directly intervene without waiting for the District investigation if one or more situations set forth under 5 CCR 4650 exist.

The complaint shall identify the basis for filing the complaint directly to CDE. The complainant must present CDE with evidence that supports the basis for the direct filing. (5 CCR 4650)

When CDE accepts a complaint requesting direct state intervention, CDE will immediately notify the complainant in writing of the determination. If the complaint is not accepted, it shall be referred to the District for local investigation or referred to another agency pursuant to section 4611. (5 CCR 4651)

**E. HEALTH AND SAFETY COMPLAINTS IN LICENSE - EXEMPT PRESCHOOL PROGRAMS**

Any complaint regarding health or safety issues in a license - exempt California State Preschool Program (CSPP) shall be addressed through the following procedures. (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 of the California Code of Regulations that apply to CSPP programs pursuant to Health and Safety Code section 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 4691) Please see Exhibit No. 1312.3(2) - Notice to

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

Parents/Guardians, Students, and Teachers: Preschool Complaint Rights.

The District's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP is operating as exempt from licensing and which CSPP is 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 shall be filed with the Director of Child Development and may be filed anonymously. Please see Exhibit No. 1312.3(3) - Preschool Complaint Form: Uniform Complaint Procedures.

If it is determined that the complaint is beyond the authority of the Director of Child Development, 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)

The Director of Child Development shall make all reasonable efforts to investigate any problem within that person's authority. Investigation of a complaint regarding health or safety issues in a license - exempt CSPP shall begin within 10 calendar days of receipt of the complaint. (Education Code 8235.5; 5 CCR 4692)

The Director of Child Development 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 Director of Child Development shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant, to CDE's assigned field consultant, and to the Responsible District Officer. (Education Code 8235.5; 5 CCR 4692)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the District's investigation report shall be provided in English. 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, the District also shall provide the investigation report in the complainant's primary language as required by Education Code section 48985. In all other instances, even if Education Code section 48985 does not apply, the District shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency, which may require translation of the investigation report.

All complaints and responses are public records. (5 CCR 4690, 4693)

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 SSPI in accordance with 5 CCR 4632. The complainant shall comply with the appeal requirements of 5 CCR 4632. (Education Code 8235.5; 5 CCR 4693, 4694) Failure to file a local appeal pursuant to 5 CCR 4693 does not preclude the filing of a state appeal pursuant to 5 CCR 4694. (Education

## CLOVIS UNIFIED SCHOOL DISTRICT

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. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the Board. (5 CCR 4693)

### F. CONFIDENTIALITY AND PROTECTION FROM RETALIATION

The District shall protect all complainants from retaliation. (5 CCR 4621) For allegations of retaliation based on the filing of a complaint, the District also shall follow the UCP. In investigating complaints, the confidentiality of the parties shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discrimination, 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. (5 CCR 4621)

### G. RELATIONSHIP TO OTHER ENFORCEMENT MECHANISMS

The District's discrimination policies and procedures are intended to supplement, and not replace, any applicable state and federal laws and regulations. For example, a complainant who believes he or she has been discriminated or retaliated against for complaining about discrimination may file a complaint with the agencies referenced below. A complainant may request that other state and federal governmental agencies investigate complaints of discrimination by filing a complaint with CDE and the Office for Civil Rights.

California Department of Education  
1430 N Street  
Sacramento, California 95814  
(916) 319-0797

Office for Civil Rights  
50 United Nations Place, Room 239  
San Francisco, California 94102  
(415) 556-4275

California Department of Fair Employment  
and Housing  
Fresno District Office  
1320 East Shaw Avenue, Suite 150  
Fresno, California 93710  
(559) 445-5373

Equal Employment Opportunity Commission  
2300 Tulare Street, Suite 215  
Fresno, California 93721  
(559) 487-5793

Allegations of discrimination or harassment in employment may be addressed under applicable District policies and procedures as appropriate, including the right to file a complaint with the California Department of Fair Employment and Housing (DFEH). Employment discrimination complaints against the District shall be addressed by the District in accordance with the procedures

## **CLOVIS UNIFIED SCHOOL DISTRICT**

specified in Administrative Regulation No. 4030 – Nondiscrimination in Employment. Employment discrimination complaints received under Board Policy No. 1312.3 will be referred for processing under Administrative Regulation No. 4030 unless the person filing the complaint declines the referral in which case the complaint shall be sent to the DFEH consistent with 5 CCR 4611(c).

Adopted: 08/12/1992

Amended: 08/02/1995, 04/10/1996, 09/22/2009, 04/24/2002, 07/19/2006, 01/23/2008,  
01/14/2009, 10/14/2009, 11/10/2010, 03/06/2012, 02/27/2013, 03/12/2014,  
04/02/2014, 08/23/2017, 09/27/2017, 05/08/2018, 06/15/2021 (AR 9208 renumbered  
as AR 1312.3)

Doc# 41628-10 (06/2021, 12/2020)

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

**COMMUNITY RELATIONS  
UNIFORM COMPLAINT PROCEDURES**

**UNIFORM COMPLAINT PROCEDURES:  
COMPLAINT FORM**

The Uniform Complaint Procedures: Complaint Form is set forth on the following page and shall be used in accordance with Board Policy and Administrative Regulation No. 1312.3.

Reviewed: 01/14/2009, 10/14/2009, 11/13/2013

Amended: 09/22/1999, 02/22/2006, 01/23/2008, 02/22/2008, 06/15/2021 (EXH 9208(1)  
renumbered as EXH 1312.3(1))

Doc# 41667-4 (06/2021, None)



Date Received:

**EXHIBIT NO. 1312.3(1)**  
**UNIFORM COMPLAINT PROCEDURES:**  
**COMPLAINT FORM**

- 1. Name of Complainant: \_\_\_\_\_ Date Filed: \_\_\_\_\_
- 2. Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_
- 3. Home Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_ Email: \_\_\_\_\_
- 4. I wish to complain against (person, program, or activity): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Location: \_\_\_\_\_ Date of incident: \_\_\_\_\_

6. Please specify the nature of your complaint and list specifics of what, when, where, how and who was there (attach additional pages if necessary):

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

7. Names and addresses and/or other contact information for witnesses or persons who can provide more information regarding this complaint:

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

8. Suggestions for an appropriate remedy or resolution of this complaint:

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

9. I certify under penalty of perjury that the foregoing statements and attachments are true and correct.

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

**Please file this complaint form with the appropriate school principal/department head or at the District Office,  
1450 Herndon Avenue, Clovis, CA 93611-0567; telephone 559-327-9000**

**CLOVIS UNIFIED  
SCHOOL DISTRICT****COMMUNITY RELATIONS  
UNIFORM COMPLAINT PROCEDURES****NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:  
PRESCHOOL COMPLAINT RIGHTS**

The Notice to Parents/Guardians, Students, and Teachers: Preschool Complaint Rights (Notice) is set forth on the following page. Pursuant to Education Code section 8235.5, the Notice shall be posted in each license-exempt California State Preschool Program classroom in each school in the District. (Education Code 8235-8239.1)

Adopted: 06/15/2021

Doc# 49662-5 (06/2021, 05/2020)



## EXHIBIT 1312.3(2)

### **NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: PRESCHOOL COMPLAINT RIGHTS**

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code section 8235.5, you are hereby notified that any California State Preschool Program that is exempt from licensure must comply with the health and safety requirements specified in Health and Safety Code section 1596.7925 by having:

1. Outdoor shade that is safe and in good repair.
2. Drinking water that is accessible and readily available throughout the day.
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.
4. Restroom facilities that are available only for preschoolers and kindergartners.
5. Visual supervision of children at all times.
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time.
7. Playground equipment that is safe, in good repair, and age appropriate.

Complaints concerning any of these health and safety requirements will be addressed through the District's Uniform Complaint Procedures as required by law. (Education Code 8235.5; 5 California Code of Regulations 4691) You may obtain a complaint form (Exhibit No. 1312.3(3) – Preschool Complaint Form: Uniform Complaint Procedures) at the school or District office or download it from the District web site: [boardpolicies.cusd.com](http://boardpolicies.cusd.com). Alternatively, you may file a complaint using the California Department of Education complaint form which can be downloaded from the following web site: <http://www.cde.ca.gov/re/cp/uc>. You do not have to use either the District's complaint form or the complaint form from the California Department of Education to file a complaint.

Doc# 49662-5 (06/2021, 05/2020)



**CLOVIS UNIFIED  
SCHOOL DISTRICT**

**COMMUNITY RELATIONS  
UNIFORM COMPLAINT PROCEDURES**

**UNIFORM COMPLAINT PROCEDURES: PRESCHOOL COMPLAINT FORM**

The Preschool Complaint Form: Uniform Complaint Procedures is set forth on the following pages and may be used for complaint alleging that a license-exempt California Preschool Program does not comply with any of the health and safety requirements specified in Health and Safety Code section 1596.7925.

Adopted: 06/15/2021

Doc# 49663-5 (04/2021, 05/2020)



## EXHIBIT 1312.3(3)

### UNIFORM COMPLAINT PROCEDURES: PRESCHOOL COMPLAINT FORM

Education Code section 8235.5 requires that the District's Uniform Complaint Procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymous; however, if you wish to receive a response to your complaint, you must provide the contact information below.

1. Response requested?  Yes  No

2. Contact information: (if response is requested)

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

Address: \_\_\_\_\_

Phone number: Home \_\_\_\_\_ Cell \_\_\_\_\_

E-mail address, if any: \_\_\_\_\_

3. Date problem was observed: \_\_\_\_\_

4. Location of the problem that is the subject of this complaint:

School name/address: \_\_\_\_\_

Room number/name of room/location of facility: \_\_\_\_\_

5. Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or District for the appropriate District complaint procedure. Specific issue(s) of the complaint: ***(Please check all that apply. A complaint may contain more than one allegation.)***

a. The preschool does not have outdoor shade that is safe and in good repair.

b. Drinking water is not accessible and/or readily available throughout the day.

c. The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.

d. Restroom facilities are not available only for preschoolers and kindergartners.

e. The preschool program does not provide visual supervision of children at all times.

f. Indoor or outdoor space is not properly contained or fenced and/or does not provide sufficient space for the number of children using the space at any given time.

g. Playground equipment is not safe, in good repair, or age appropriate.

6. Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation.

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Please file this complaint at the following location:

\_\_\_\_\_  
(Preschool administrator or designee)

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

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Print Name: \_\_\_\_\_

Doc# 49663-5 (06/2021, 05/2020)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****COMMUNITY RELATIONS  
WILLIAMS UNIFORM COMPLAINT PROCEDURES**

**PURPOSE:** To establish a uniform complaint procedure to resolve complaints specified in Education Code section 35186 regarding the Williams settlement.

The Board recognizes that the District has primary responsibility for ensuring that it complies with state and federal laws and regulations governing educational programs. Persons responsible for conducting investigations shall be knowledgeable about the matters that they are assigned to investigate.

The District shall follow procedures set forth in the accompanying administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials. (Education Code 35186, 5 CCR 4681)
2. Complaint regarding teacher vacancy or misassignment. (Education Code 35186, 5 CCR 4682)
3. Complaints regarding the condition of school facilities. (Education Code 35186, 5 CCR 4683)

Complaints regarding matters that do not fall under this policy shall be investigated and resolved using the procedures set forth in the applicable policy and administrative regulation.

The Board prohibits retaliation in any form for the filing of a complaint or for participation in complaint procedures. The District shall protect all complainants from retaliation. (5 CCR 4621) Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board acknowledges and respects pupil and employee rights to privacy. Complaints shall be investigated in a manner that protects these rights as required by law. The identity of any complainant shall be kept confidential as appropriate and permitted by law.

The Superintendent or designee shall ensure that employees responsible for compliance and/or investigations of complaints are knowledgeable about the laws and programs for which they are assigned to investigate. (5 CCR 4621) Such employees may have access to legal counsel as determined by the Superintendent or designee.

Adopted: 12/15/2004

Reviewed: 10/14/2009

Amended: 05/23/2007, 01/23/2008, 01/15/2014, 06/28/2017, 09/23/2020 (BP 9211 renumbered as BP 1312.4), 04/07/2021

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

## EDUCATION CODE

- 234.1 Prohibition of discrimination, harassment, intimidation, and bullying
- 1240 County superintendent of schools, duties
- 17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account
- 33126 School accountability report card
- 35186 Williams uniform complaint procedures
- 35292.5-35292.6 Restrooms, maintenance and cleanliness
- 48985 Notice to parents in language other than English
- 60119 Hearing on sufficiency of instructional materials

## CODE OF REGULATIONS, TITLE 5

- 4600-4670 Uniform complaint procedures
- 4680-4687 Williams uniform complaint procedures

## UNITED STATES CODE, TITLE 20

- 6314 Title I schoolwide program

Doc# 40854-8 (03/2021, 05/2020 AR 1312.4)

## CLOVIS UNIFIED SCHOOL DISTRICT

### COMMUNITY RELATIONS WILLIAMS UNIFORM COMPLAINT PROCEDURES

#### A. Types of Complaints

The procedures outlined in this administrative regulation provide a process for filing, investigating, and resolving a complaint subject to Board Policy No. 1312.4 – Williams Uniform Complaint Procedures. (Education Code 35186, 5 CCR 4682)

#### B. Compliance Officers/Responsible District Officer

Complaints shall be filed in accordance with the provisions in D.1 below. The principal shall provide a copy of the complaint to the Responsible District Officer identified below for maintenance of records regarding complaints received pursuant to this procedure. The principal may seek the assistance of the Responsible District Officer in identifying which District official is appropriate to investigate and/or resolve each complaint. The Responsible District Officer shall maintain a record of each complaint and subsequent related actions.

Associate Superintendent of Administrative Services  
Clovis Unified School District  
1450 Herndon Avenue  
Clovis, CA 93611-0599  
559-327-9000

#### C. Notices and Complaint Form

Exhibit No. 1312.4(2) sets forth the Williams Uniform Complaint Form and is available to be used to file complaints under this administrative regulation. A complainant is not required to use the Williams Uniform Complaint Form. (Education Code 35186, 5 CCR 4680)

The Superintendent or designee shall post in each classroom of each District school a notice that complies with Education Code section 35186 and 5 CCR section 4622. The notice is set forth in Exhibit No. 1312.4(1) - Notice to Parents/Guardians, Students, and Teachers K-12 Complaint Rights. Such notice shall be included in the District's Student and Parent Rights and Responsibilities Handbook (Handbook). The Handbook is available on the District's website at [www.cusd.com](http://www.cusd.com).

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## CLOVIS UNIFIED SCHOOL DISTRICT

### D. Complaint Procedures

All complaints and responses are public records. (Education Code 35186, 5 CCR 4680, 4686)

#### 1. Filing the Complaint

- a. Any individual, public agency, or organization may file a written complaint under this administrative regulation. A complaint may be filed anonymously. A complainant who identifies himself or herself shall receive a response sent to the mailing address provided if he or she indicates that a response is requested. (Education Code 35186, 5 CCR 4680)
- b. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or disabilities, District staff shall help the complainant to file the complaint.
- c. The complaint should state the date of the complaint and a detailed statement of the circumstances constituting the alleged deficiency, and the requested remedy. A complainant may add as much text to explain the complaint as he or she wishes. (Education Code 35186)
- d. The complaint shall be filed with the principal or designee of the school where the complaint arises. (Education Code 35186, 5 CCR 4680) A complaint about problems beyond the authority of the principal shall be forwarded in a timely manner, but not to exceed 10 working days, to the appropriate District official for resolution. (5 CCR 4680)

#### 2. Investigation and Response

The principal or designee of the Superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his/her authority. (Education Code 35186, 5 CCR 4685) If the complainant has identified himself/ herself, the investigation shall provide an opportunity for the complainant or the complainant's representative, or both, to present information relevant to the complaint.

The principal or Superintendent's designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. (Education Code 35186, 5 CCR 4685) The principal, or where applicable, the Superintendent or designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing to the mailing address provided if the complainant identifies himself/herself and requested a response. (5 CCR 4684) If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 35186, 5 CCR 4685)

If 15 percent or more of the students enrolled in a District school providing instruction in kindergarten, or any of grades 1 to 12, inclusive, speak a single primary language other than English and Education Code section 48985 is applicable, the response, if requested by the

## CLOVIS UNIFIED SCHOOL DISTRICT

complainant, and report shall be written in English and the primary language in which the complaint was filed. (Education Code 35186)

### 3. Appeal

A complainant who is not satisfied with the resolution of the complaint by the principal or Superintendent or designee has the right to describe the complaint to the Board during public comment at a regularly scheduled meeting of the Board. (Education Code 35186, 5 CCR 4686)

If the complaint involves a condition of a facility that poses an emergency or urgent threat, a complainant who is not satisfied with the resolution proffered by the principal or the Superintendent or designee has the right to file an appeal to the Superintendent of Public Instruction within 15 calendar days of receiving the District's response. (Education Code 35186, 5 CCR 4687) The complaint shall comply with the appeal requirements specified in 5 CCR section 4621. (5 CCR 4687)

### 4. Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly schedule public board meeting and to the Fresno County Superintendent of Schools, a summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186, 5 CCR 4686)

### 5. Flow Chart for Williams Uniform Complaint Procedures

LEVEL	PRESENTS COMPLAINT TO	TYPE OF PROCESS	NUMBER OF DAYS TO FILE	NUMBER OF DAYS TO RESPOND
FORMAL	Principal <sup>1</sup>	In writing	NA	45 Working days
APPEAL	Board	Verbal	At a regularly scheduled meeting	NA
APPEAL REGARDING CONDITION OF FACILITIES <sup>2</sup>	Superintendent of Public Instruction	In writing	Within 15 calendar days of Board response	NA

1. If the complaint that is beyond the principal's authority, he/she shall forward it to the appropriate District official within 10 working days from the date the complaint was received.



## CLOVIS UNIFIED SCHOOL DISTRICT

2. If the complaint is regarding the condition of a facility that poses an emergency or urgent threat and the complainant is not satisfied with the resolution proffered by the principal or the Superintendent or designee, he/she may file an appeal in accordance with the provisions in D.3 above.

Adopted: 12/15/2004

Reviewed: 06/15/2010

Amended: 05/23/2007, 01/23/2008, 02/26/2008, 01/14/2009, 10/14/2009, 01/15/2014,  
06/28/2017, 05/20/2021 (AR 9211 renumbered as AR 1312.4)

Doc# 41641-3 (05/2021, 05/2020)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****COMMUNITY RELATIONS  
WILLIAMS UNIFORM COMPLAINT PROCEDURES****NOTICE TO PARENTS/GUARDIANS, PUPILS, AND TEACHERS:  
K-12 WILLIAMS COMPLAINT RIGHTS**

The Notice to Parents/Guardians, Pupils, and Teachers: K-12 Williams Complaint Rights is as set forth in this Exhibit. The Notice is available in English, Spanish, and Hmong.

Adopted: 05/20/2021 (Existing Compliance Poster – Notice to Parents, Guardians, Pupils, and Teachers Complaint Rights (English Version), last updated 07/2020)

Doc# 49666-4 (05/2021, 03/2019)



## EXHIBIT NO. 1312.4(1)

### **NOTICE TO PARENTS/GUARDIANS, PUPILS, AND TEACHERS: K-12 WILLIAMS COMPLAINT RIGHTS**

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code section 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present. "Teacher vacancy" means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. "Misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the District's Williams uniform complaint procedures as required by law and set forth in Board Policy and Administrative Regulation No. 1312.4. A complaint form may be obtained at the school office or District office or downloaded from the District's web site at [www.cusd.com](http://www.cusd.com). You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc/>. However, a complaint need not be filed using either the District's complaint form or the complaint form from the California Department of Education.

Doc# 49666-4 (05/2021, 03/2019)



## EXHIBIT NO. 1312.4(1)

### NOTICE TO PARENTS/GUARDIANS, PUPILS, AND TEACHERS: K-12 WILLIAMS COMPLAINT RIGHTS

#### Notificación para padres de familia, tutores legales y maestros Derecho de presentar quejas

Formulario muestra de quejas uniformes

Padres, tutores, alumnos y maestros:

Según el Código de Educación de California Artículo 35186, se le notifica que:

1. Debe haber suficientes libros y materiales de instrucción. Eso significa que cada alumno, incluyendo a los alumnos que aprenden inglés, debe tener un libro o materiales de instrucción, o ambos, para usar en clase y llevar a casa.
2. Los predios escolares deben estar limpios, seguros, y deben mantenerse en buen estado.
3. No debe haber falta de maestros ni asignaciones incorrectas de maestros. Debe haber un maestro asignado a cada clase y no una serie de suplentes u otros maestros temporales. El maestro debe tener la certificación apropiada para enseñar la clase, incluyendo la certificación requerida para enseñar a alumnos que aprenden inglés, si es que están presentes en la clase. Falta de maestros significa que existe un puesto al cual no se ha asignado un empleado con certificación al principio del año escolar y por todo un año, o si el puesto es para un curso de un semestre, un puesto al cual no se ha asignado un empleado con certificación al principio de un semestre y por un semestre completo. Una asignación incorrecta significa que un empleado con certificación es colocado en un puesto de maestro o proveedor de servicios sin tener una certificación o credencial legalmente reconocida, o colocado en un puesto de maestro o proveedor de servicios que el empleado no está legalmente autorizado a ocupar.

Si decide presentar una queja alegando que no se está cumpliendo alguna de las condiciones anteriores, su queja se abordará a través de los procedimientos uniformes de quejas Williams del Distrito según lo requiera la ley y se establece en la Política de la Junta y el Reglamento Administrativo N° 1312.4. Un formulario de queja puede obtenerse en la oficina de la escuela o en la oficina del Distrito o descargarse del sitio web del Distrito en [www.cusd.com](http://www.cusd.com). También puede descargar una copia del formulario de queja del Departamento de Educación de California del siguiente sitio web: <http://www.cde.ca.gov/re/cp/uc/>. Sin embargo, no es necesario presentar una queja utilizando el formulario de queja del Distrito o el formulario de queja del Departamento de Educación de California.



## EXHIBIT NO. 1312.4(1)

### **DAIM NTAWV CEEB TOOM RAU TSOOM NIAM TSOOM TXIV, COV TSOM KWM, COV MENYUAM KAWM NTAWV, THIAB TSOOM XIB FWB: DAIM NTAWV TSIAS TXAUS SIAB TXOG WILLIAMS COMPLAINT RIGHTS**

Cov Niam Cov Txiv, Cov Tsom Kwm, Cov Menyuum Kawm Ntawv, thiab Cov Xib Fwb:

Raws li California txoj kev cai kawm, (Education Code section 35186), faj seeb qhia rau koj hais tias:

1. Yuav tsum muaj cov phau ntawv qhia thiab khoom qhia ntawv kom txaus tsim nyog. Txhais tau tias txhua tus menyuum kawm ntawv nrog rau cov kawm lus Askiv tib si, yuav tsum muaj ib phau ntawv kawm los yog cov khoom kawm ntawv siv los kawm los yog muaj ob yam tib si los siv rau hauv chav qhia ntawv thiab nqa mus saib tau tom tsev.
2. Cov chaw kawm ntawv yuav tsum tu huv si, ruaj ntseg thiab txhua yam ua hauj lwm kom zoo.
3. Yuav tsum muaj xib fwb kom txaus tas li los yog tsis lam muab tus xib fwb mus qhia rau chav yuam kev. Yuav tsum muaj ib tug xib fwb qhia ib chav thiab tsis yog pheej muab cov xib fwb tuaj hloov tshiaib tas li los yog siv lwm cov xib fwb uas tuaj qhia ib ntus xwb. Tus xib fwb yuav tsum kawm ntaub ntawv txuj ci tsim nyog tuaj qhia ntawv, xws li muaj ntaub ntawv tso cai tuaj qhia cov tub-ntxhais xyaum kawm ntawv Askiv yog tias muaj cov neeg kawm ntawv Askiv. Xib fwb muaj tsis txaus yog txhais tau tias muaj ib txoj hauj lwm uas tsis tau txib kom ib tus xib fwb muaj ntaub ntawv qhia ntawv los tuav thaum chiv thawj pib kawm ntawv mus thawm kiag xyoo kawm ntawv, los sis yog tias txoj hauj lwm tsuas qhib rau chav kawm ntawv mus ib nrab xyoo kawm (semester) xwb, ces yog muaj ib txoj hauj lwm uas tsis tau txib kom ib tus xib fwb muaj ntaub ntawv qhia ntawv los tuav thaum pib kiag lub sij hawm ntawd mus thawm kiag rau ntu ntawd. Muab tus xib fwb qhia mus qhia rau chav yuam kev txhais tau hais tias muab tus xib fwb qhia ntawv uas muaj ntaub ntawv coj mus qhia los yog ua tej yam hauj lwm uas tus neeg ntawd tsis muaj ntawv pov thawj los sis tau kev tso cai los yog tsis muaj peev xwm los yog muab tus neeg ua hauj lwm mus qhia los yog pab txoj hauj lwm uas tus neeg tsis muaj cai qhia raws li txoj cai.

Yog hais tias koj tsis txaus siab rau cov ntsiab lus ua teev saum no koj yuav tsum xa koj tsab ntawv mus rau tom suam tsev kawm ntawv uas tswj daim ntawv tsis txaus siab no, raws li cov coj noj coj ua tau teev cia li tsab cai (Administrative Regulation) 1312.4. Koj mus nqa tau ib daim ntawv tsis txaus siab tom lub tsev kawm ntawv, los sis suam tsev kawm ntawv, los yog koj mus nrhiav tau rau hauv [www.cusd.com](http://www.cusd.com). Koj los yeej muaj feem mus luam tau ib daim ntawv tsis txaus siab ntawm lub hauv paus kev kawm nyob hauv lub xeev California ntawm <http://www.cde.ca.gov/tre/cp/uc/>. Yog li ntawd koj yeej muaj cai siv tau daim ntawv tsis txaus siab tom suav av tsev kawm ntawv los yog lub hauv paus kawm ntawv hauv lub xeev California.

**CLOVIS UNIFIED  
SCHOOL DISTRICT****COMMUNITY RELATIONS  
WILLIAMS UNIFORM COMPLAINT PROCEDURES****WILLIAMS UNIFORM COMPLAINT FORM**

The Williams Uniform Complaint Form is as set forth in this Exhibit. The form is available in English, Spanish, and Hmong. However, a complaint need not be filed using this complaint form.

Adopted: 12/15/2004

Reviewed: 05/23/2007, 12/03/2008, 01/14/2009, 10/14/2009

Amended: 01/23/2008, 01/15/2014, 07/05/2017, 05/20/2021 (EXH 9211(1) renumbered as EXH 1312.4(2))

Doc# 41661-5 (05/2021, 03/2019)



Date Received:

EXHIBIT 1312.4(2)

**WILLIAMS UNIFORM COMPLAINT PROCEDURES FORM**  
**(English)**

Education Code section 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. Complainants need not use this form in order to file a complaint. All complaints and responses are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

A. Response Requested? Yes No

B. Contact Information (if response is requested):

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

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email address, if any: \_\_\_\_\_

C. Date and Location of the problem that is the subject of this complaint:

School Name/Address: \_\_\_\_\_

Course Title/Grade Level and Teacher Name: \_\_\_\_\_

Room Number/Name of Room/Location of Facility: \_\_\_\_\_

Date problem was observed: \_\_\_\_\_

D. Specific Issues of the Complaint

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

Please check all that apply. A complaint may contain more than one allegation. Please request assistance of District staff in filing the complaint if needed.

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

a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or District-adopted textbooks or other required instructional materials to use in class.

b. A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.

- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- d. A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4682)

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

3. Facilities conditions: (Education Code 17592.72, 35186, 35292.5, 35292.6; 5 CCR 4683)

- a. A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; structural damage creating a hazardous or uninhabitable condition; and any other conditions the District determines appropriate.
- b. A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
- c. For a school that serves students in any of grades 6-12 with 40 percent or more of its students from low-income families, as defined, the school has not stocked or at least half of its restrooms with feminine products at all times and made those products available to pupils at no cost.
- d. The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when temporary closing of the restroom is necessary for pupil safety or to make repairs.

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

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

Complainant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

G. Location for Filing Complaints: Complaints shall be filed with the principal or his/her designee of the school in which the complaint arises as designated below.

Principal or designee of the Superintendent: \_\_\_\_\_

Address: \_\_\_\_\_

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Hnub Txais Tau:

EXHIBIT 1312.4(2)

**WILLIAMS UNIFORM COMPLAINT PROCEDURES FORM**  
**(Hmoob)**

**WILLIAMS DAIM NTAWV TSIIS TXAUS SIAB**

Kev cai kawm ntawv tshooj (Education Code) 35186 tsim muaj ib txoj kev faj seeb tej kev txhawj xeeb txog tej ntaub ntawv qhia tsi zoo tsim nyog, tej tsev kawm ntawv uas tsi tu kom huv si los yog kom muaj kev ruaj ntseg los yog kho tej puas kom zoo thiab muaj tej hauj lwm qhia ntawv uas tsi muaj xib fwb qhia los yog muab xib fwb mus tso qhia yuav kev rau tej yam tsi yog. Cov lus tsis txaus siab thiab cov lus teb rau cov lus tsis txaus siab yog tej ncauj lus qhib rau pej xeeb muaj cai pom raws li txoj cai tau teev cia. Cov neeg faj seeb kev tsis txaus siab tsis tag yuav qhia lawv lub npe. Tiam sis yog koj xau tau cov lus teb rau koj cov lus tsis txaus siab no, koj yuav tsum qhia cov ncauj lus nram qab no.

A. Kev Xav Tau Lus Teb? ... Xav tau ... Tsis xav tau

B. Kev Sib Txuas Lus (yog koj xav kom tsev kawm ntawv teb daim ntawv no):

Npe: \_\_\_\_\_  
Chaw Nyob: \_\_\_\_\_ Nroog: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Xov tooj tom tsev: \_\_\_\_\_ Xov tooj ntawv tes: \_\_\_\_\_  
Email chaw nyob, yog muaj: \_\_\_\_\_

C. Lub Sij Hawm Thiab Thaj Chaw uas muaj teeb meem ntawm kev tsis txaus siab:

Tsev Kawm Ntawv Npe/Chaw Nyob: \_\_\_\_\_  
Lub Npe Chav Kawm/Qib Dab Tsi thiab Tus Xib fwb Npe: \_\_\_\_\_  
Chav Kawm/Chav Kawm Lub Npe/Chaw Nyob: \_\_\_\_\_  
Hnub Uas Cov Teeb Meem Tshwm Sim: \_\_\_\_\_

D. Teeb Meem Ntawm Kev Tsis Txaus Siab

Tsuas yog raws li cov ntsiab lus nram qab no nkaus xwb thiaj li siv tau rau daim ntawv tsis txaus siab no. Yog tias koj tsi txaus siab rau tej qhov uas tsis muaj teev nyob rau nram qab no, thov siv koj lub tsev kawm ntawv lim daim ntawv tsis txaus siab.

Thov kos rau txhua qhov uas yog. Ib qhov kev tsis txaus siab yuav muaj ntau tshaj li ib sob lus hais. Thov nug kev pab ntawm cov neeg ua hauj lwm tom tsev kawm ntawv yog thaum xav tau kev pab nyob rau daim ntawv tsis txaus siab no.

1. Cov Phau Ntawv Siv Qhia Thiab Cov Khoom Qhia: (Kev Kawm Tshooj (Education Code) 35186; 5 CCR4681)
  - a. Ib tug menyuam kawm ntawv, uas yog ib tug neeg kawm lus Askiv, tsi tau cov phau ntawv siv qhia los yog cov khoom qhia ntawv los yog cov phau ntawv siv qhia los yog lwm cov khoom siv qhia ntawv rau hauv chav qhia ntawv uas lub xeev los yog cheeb tsam tsev kawm ntawv tau coj los xyaum siv.
  - b. Ib tus menyuam kawm ntawv uas tsis muaj phau ntawv coj los siv los sis cov ntaub ntawv cob qhia coj los siv tom tsev los sis tom qab lawb ntawv lawm. Qhov no tsis tas kom muaj ob phau ntawv los sis cov ntaub ntawv cob qhia rau ib tug menyuam kamw ntawv.
  - c. Cov phau ntawv qhia los yog cov khoom qhia ntawv tsi zoo uas muaj tej nplooj ntawv ploj lawm los yog puas tag nyeem tsi tau li.
  - d. Ib tug menyuam kawm ntawv tsuas tau ib nplooj ntawv luam tawm hauv phau ntawv siv qhia los yog cov khoom qhia ntawv vim yog tsi muaj cov phau ntawv siv qhia los sis cov khoom qhia ntawv txaus rau txhua tus neeg.
2. Muaj hauj lwm qhia ntawv tsi muaj xib fwb qhia los yog tso xib fwb qhia ntawv yuam kev (Kev Kawm Tshooj (Education Code) 35186; 5 CCR 4681)
  - a. Thaum chiv thawj ib ntu sij hawm kawm ntawv (semester) yeej tsis muaj xib fwb qhia ntawv. Txoj hauj lwm tsis muaj xib fwb qhia ntawv yog ib txoj hauj lwm rau ib tug xib fwb uas muaj ntaub ntawv pov thawj tso cai qhia ntawv uas tsis muaj neeg ua txoj hauj lwm ntawd thaum chiv thawj pib kawm ntawv (semester) rau lub xyoo ntawd mus thawm nkaus, yog tias txoj hauj lwm yog rau chav kawm ib ntug xwb, txoj hauj lwm rau ib tug xib fwb uas muaj ntaub ntawv tso cai qhia ntawv uas tsis muaj neeg ua thaum chiv thawj ib lub sij hawm pib mus thawm nkaus ntu ntawd.
  - b. Muab tus xib fwb tsis tau muaj ntawv pov thawj qhia ntawv los yog tsis tau kawm txuj ci txaus los qhia ib chav uas muaj tshaj 20 feem pua cov neeg kawm ntawv yog xyaum kawm lus Askiv nyob rau chav ntawd.
  - c. Tug xib fwb uas tau muab coj los qhia ib chav ntawv tsis muaj ntawv pov thawj qhia chav ntawd.
3. Kev tu lub tsev kawm ntawv: (Kev Kawm Tshooj (Education Code) 35186, 35292.5; 5 CCR 4683)
  - a. Muaj ib qho twg tshwm sim uas yuav ua rau muaj kev phom sij los sis yuav muaj kev phom sij rau neeg lub cev los sis muaj kev tiv thaiv rau cov me nyuam kawm ntawv lossis cuab yeej xws li roj dim pa qhov cub siv tsis ua hauj lwm, qhov cua tsi dim pa zoo, kais dej tua hluas taws los yog lub tshuab cua txias tsi ua hauj lwm zoo, hluav taws xob tuag, kav dej daig, muaj kab ntsaum los yog nas tsuag coob, qhov rais los yog qhov rooj los sab nrauv los yog tej rooj vag xauv tsi tau thiab muaj taus teeb meem rau txoj kev ruaj ntseg, kev tshem tej yam khoom tsim taus kev phem yav dhau los uas yuav tsim teeb meem phem rau me nyuam kawm ntawv los yog cov neeg ua hauj lwm, kev puas phem ntawm lub tsev los yog ib lub tsev uas nyob tsi tau hauv lawm thiab lwm yam kev kub ceev uas cheeb tsam tsev kawm ntawv pom tias tsim nyog.
  - b. Ib chav tsev dej hauv lub tsev kawm ntawv tsis tswj xyuas los yog tsi tu du lug, tsis ua hauj lwm zoo los yog tsis muaj ntawv viv siv, tsi muaj tshuaj ntxuav tes thiab ntawv so tes los yog cov tshuab cua rau tes kom qhuav tsis ua hauj lwm.

- c. Lub tsev kawm ntawv uas muaj cov me nyuam kawm qib 6-12 thiab 40 feem puas yog cov me nyuam uas nyob cov kuab kuas tau txais nyiaj txiag tsawg, raws li txoj cai tau teev cia, lub tsev kawm ntawv ntawd tsi tau npaj khoom siv rau tsoom poj niam tau siv thiab tsi tau muaj cov khoom no dawb rau me nyuam kawm ntawv tau siv.
- d. Lub tsev kawm ntawv tsis qhib tag nrho cov chav tsev dej thaum lub caij kawm ntawv yav nruab hnuab thaum uas cov neeg kawm ntawv tsis nyob hauv cov chav qhia ntawv thiab tsis qhib cov chav tsev dej txaus thaum cov me nyuam kawm ntawv nyob rau hauv cov chav kawm ntawv

E. Cov Lus Tseeb Ntawm Kev Tsis Txaus Siab: Thov qhia kom txog koj kev tsis txaus siab. Yog hais tias koj xav teev ib daim ntawv ntxiv los qhia koj kev tsi txaus siab los yeej tau. Yog hais tias koj muaj kev tsis txaus siab rau kev tu lub tsev kawm ntawv, thov qhia qhov teeb meem xws li kev kub ceev los yog tej yam khoom tsim taus kev phem uas yuav muaj teeb meem rau cov me nyuam kawm ntawv los yog cov neeg ua hauj lwm.

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F. Kos Lub Npe: Thov kos koj lub npe rau hauv qab no. Yog hais tias koj tsi xav kom leej twg paub koj los koj tsi tas kos npe los tau. Tiam sis, txhua txhua qhov kev tsis txaus siab yuav tsum teev lub noob nyoog.

Tus neeg tsis txaus siab kos npe: \_\_\_\_\_ Hnub tim: \_\_\_\_\_

G. Chav Uas Koj Xa Daim Ntawv Tsi Txaus Siab: Koj tsab ntawv tsis txaus siab yuav tsum xa mus rau tus thawj tswj (Principal) tom tsev kawm ntawv los yog tus sawv cev raws li nram qab no.

Tus thawj tswj kawm ntawv los sis tus sawv cev tam ntawm tus thawj tswj:

Chaw Nyob: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Fecha Recibido:

**EXHIBIT 1312.4(2)**  
**WILLIAMS UNIFORM COMPLAINT PROCEDURES FORM**  
**(Spanish)**

**FORMA UNIFORME DE LOS PROCEDIMIENTOS DE QUEJA DE WILLIAMS**

El Código de la educación seccion 35186 crea un procedimiento para el expediente de quejas con respecto a deficiencias relacionadas a materiales de instrucción, las condiciones de facilidades que no se mantienen en una manera limpia ni segura o en buena reparación, tarea no preparada o la ausencia del maestro, o la falta de oportunidad de recibir instrucción y servicios intensivos a alumnos que no pasaron uno o ambas partes del examen de salida de la secundaria para el final del grado 12.

Los denunciantes no necesitan utilizar esta forma para archivar una queja. Todas las quejas y respuestas son documentos públicos en la manera proporcionado por ley. Las quejas pueden ser archivadas anónimamente. Sin embargo, si usted desea recibir una respuesta a su queja, debe proporcionar la información de contacto abajo.

A. ¿Se Solicita Respuesta?      Si      No

B. Información de Contacto (si se solicita respuesta)

Nombre: \_\_\_\_\_

Domicilio: \_\_\_\_\_ Ciudad: \_\_\_\_\_ Código: \_\_\_\_\_

Teléfono: \_\_\_\_\_ Cell/Trabajo: \_\_\_\_\_

Correo electrónico: \_\_\_\_\_

C. Fecha y Localización del Problema Que es el Sujeto de esta Queja:

Escuela Nombre/Dirección: \_\_\_\_\_

Título de Curso/Nivel de Grado y Nombre de Maestro: \_\_\_\_\_

Número de sitio/nombre del sitio/Localización de Facilidad: \_\_\_\_\_

Fecha en que fue observado el problema: \_\_\_\_\_

D. Asunto/s Especifico de la Queja:

Cuestiones de queja Sólo los asuntos siguientes pueden ser el sujeto de este proceso de queja. Si usted desea quejarse de un asunto no especificado abajo, Utilice por favor el procedimiento apropiado de queja del Distrito.

Por favor compruebe todo lo que aplica. Una queja puede contener más de una alegación. Favor de solicitar ayuda del personal del Distrito en el archibajode la queja si es necesario.

1. Libros de textos y materiales de instrucción: (Código 35186 de la educación; 5 CCR 4681)
  - a. Un alumno, inclusive un estudiante inglés, no tiene libros de texto estándares-alineados ni materias ni libros de texto adoptados por el Estado o el Distrito ni otras materias de instrucción necesarias para utilizar en la clase.
  - b. Un alumno no tiene acceso a libros de texto ni materiales de instrucción para utilizar en casa ni después de escuela. Esto no requiere dos conjuntos de libros de texto ni materiales de instrucción para cada alumno.
  - c. Los libros de texto o las materias instruccionales están en condiciones pobres o inutilizable, tienen páginas perdidas, o son ilegibles debido a daño.
  - d. El alumno fue dado hojas fotocopiadas de sólo una porción de un libro de texto o materiales de instrucción por escasez de libros de texto o materiales de instrucción.
  
2. Ausencia del Maestro o tarea no preparada: (Código de Educación 35186; 5 CCR 4681)
  - a. Un semestre empieza y la ausencia del maestro existe. La ausencia del maestro es una posición la cual un solo empleado con certificación no ha sido asignado al principio del año escolar para un año entero o, si la posición es para un curso de un-semestre, una posición la cual un solo empleado con certificación no ha sido asignado al principio de un-semestre para un-semestre entero.
  - b. Un maestro que le falte credenciales o entrenamiento para enseñar estudiantes ingleses son asignados para enseñar una clase con más que el 20 por ciento de estudiantes de inglés en la clase.
  - c. Un maestro es asignado para enseñar una clase la cual al maestro le falta competencia de tema.
  
3. Condiciones de la Facilidad: (Código de Educación 35186, 35292.5; 5 CCR 4683)
  - a. Existe una condición que determina una emergencia o amenaza urgente a la salud o la seguridad de alumnos o personaje inclusive escapes de gas; la falta de función de el calentador, la ventilación, regaderas de fuego, o sistemas de acondicionador de aire; el fallo eléctrico; parada mayor de alcantarilla; la infestación mayor de parásitos; las ventanas quebradas o puertas interiores o puertas exteriores que no provee cerradura y que coloca un riesgo de la seguridad; la disminución de materias peligrosas anteriormente sin descubrir que coloca una amenaza inmediata a alumnos o personaje; o daño estructural que crea una condición peligrosa o inhabitable, Y cualquier otra condición de emergencia que el Distrito determine apropiado.
  - b. Un baño de la escuela no ha sido limpiado ni ha sido mantenido regularmente, no está en pleno funcionamiento, ni se ha almacenado con papel higiénico, con jabón, y con las secadores de papel o seca manos automáticos.
  - c. Para una escuela que atiende a estudiantes en cualquiera de los grados 6-12 con el 40 por ciento de más de sus estudiantes de familias de bajos ingresos, como se define, la escuela no ha surtido o al menos la mitad de sus baños con productos femeninos en todo momento y puso esos productos a disposición de los alumnos sin costo alguno.
  - d. La escuela no ha mantenido todos baños abiertos durante horas de clase cuando alumnos no están en clases y no han mantenido un número suficiente de baños abiertos durante horas de clase cuando alumnos están en clases. Esto no se aplica el cerrar del baño cuando es necesario para la seguridad del alumno o para hacer reparaciones.

- E. **Hechos de la Queja:** : Describa detalladamente el problema de su queja. Puede adjuntar páginas adicionales e incluir tanto texto como sea necesario para describir completamente la situación. Para quejas relacionadas con las condiciones de las instalaciones, describa el estado de las instalaciones de emergencia o urgencia y cómo esa condición representa una amenaza para la salud y la seguridad de los estudiantes o el personal.

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- F. **Firma:** Favor de proveer su firma abajo. Si usted desea quedarse anónimo, no se requiere su firma. Sin embargo, todas quejas, aún anónimas, deben tener fecha.

Firma del Denunciante: \_\_\_\_\_ Fecha: \_\_\_\_\_

- G. **Ubicación Para Presentar Quejas:** Las quejas serán archivadas con el director o el designado de la escuela en la cual la queja se presente según el designado abajo.

Principal or designee of the Superintendent: \_\_\_\_\_

Domicilio: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**CLOVIS UNIFIED  
SCHOOL DISTRICT****BUSINESS AND NONINSTRUCTIONAL OPERATIONS****Student Transportation Management****TRANSPORTATION FOR SCHOOL-RELATED TRIPS/PRIVATE VEHICLES**

**PURPOSE:** To establish requirements for transportation for school-related trips.

The District may provide transportation for students, employees, and other individuals for field trips and other school-related trips approved according to board policy and administrative regulation. School-related groups requesting transportation shall be fully responsible for the costs of their trips unless funding has been approved by the Board.

The Superintendent or designee shall determine the most appropriate and cost-effective mode of transportation for each approved trip which could include privately-owned vehicles, charter buses, or District-owned buses or vehicles. When students will be transported by private vehicle, Administrative Regulation No. 3541.1 shall be followed.

All authorized field trips are considered an extension of the school day and therefore governed by the same rules and regulations as apply for home-to-school transportation.

Adopted: 03/24/2010

Amended: 04/22/2020 (BP 8302 renumbered as BP 3541.1)

**EDUCATION CODE**

35330 Excursions and field trips

35332 Transportation by air

39830 School bus

39830.1 School pupil activity bus

39860 Liability when students not on school property

**HEALTH AND SAFETY CODE**

118947-118949 Prohibition against smoking in motor vehicle with minor

**PUBLIC UTILITIES CODE**

5384.2 District not liable for charter-party carrier

**VEHICLE CODE**

545 School bus, definition

12814.6 Limitations of provisional driver's license

27315 Mandatory use of seat belts in private passenger vehicles

27360-27360.5 Child passenger restraint systems

27363 Child passenger restraint systems, exemptions

Doc# 37394-6 (11/2019, None)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### BUSINESS AND NONINSTRUCTIONAL OPERATIONS

#### Student Transportation Management

### TRANSPORTATION FOR SCHOOL-RELATED TRIPS/PRIVATE VEHICLES

#### A. Transportation of Students by Private Vehicle

The Superintendent or designee may authorize the transportation of students by private vehicle to a school sponsored event or activity when the vehicle is driven by an individual who is 21 or older and possesses a valid California driver's license or, if he/she is a nonresident on active military duty in California, possesses a valid license from his/her state of residence. To be approved, a driver shall have a good driving record verified by the District and possess at least the minimum insurance required by law (bodily injury liability and property damage coverage of at least \$15,000 per accident).

Any person providing transportation to District students in a private vehicle shall receive a copy of Exhibit No. 3541.1(2) - Instructions for Drivers of Private Vehicles and shall register with the District by completing Exhibit No. 3541.1(1) - Private Vehicle Driver Application. The application need only be submitted once during each school year unless there are changes in the information provided on the application (i.e., vehicle, insurance, driver's license, traffic convictions or personal information). The Private Vehicle Driver Application is not required for parents/guardians who will only transport their child or students transporting themselves.

The completed Private Vehicle Driver Application (Exhibit No. 3541.1(1)) and supporting documentation (copies of valid driver's license, proof of insurance card and valid vehicle registration) shall be submitted and remain on file at the appropriate school site/department. Upon receipt of a completed application, the site or department shall forward via email to [privatedriver@cusd.com](mailto:privatedriver@cusd.com) the completed DMV Authorization for Release of Driver Record Information (Exhibit No. 3541.1(4)). This form must include original signatures.

After reviewing DMV records, the Transportation Department will notify appropriate site or department personnel as to whether the application is approved. Typically, results are available within seven days. Once a driver is approved, that driver will remain in the District's system until such time as he/she is removed by the submitting site or at the request of the driver. There is no need for sites to resubmit the Authorization for Release of Driver Record Information (Exhibit No. 3541.1(4)) to the Transportation Department each school year.

To be considered a verified private driver, an applicant's current driving record must:

1. Contain a valid driver's license (no provisional licenses will be accepted).
2. Contain no conviction of driving under the influence of alcoholic beverage within the past three years. (Vehicle Code 23152, 23153, 23550.5)

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## CLOVIS UNIFIED SCHOOL DISTRICT

School sites are responsible for maintaining a record of completed Private Vehicle Driver Applications (Exhibit No. 3451.1(1)) received for two years.

If applicable, drivers who are volunteers shall also comply with Board Policy No. 1240 - Volunteer Assistance and Board Policy No. 6153 – School-Sponsored Trips/Field Trips by having on file a completed Volunteer Application Form (Exhibit No. 1240) and a Participation in Voluntary Field Trip - Consent, Assumption of Risk, and Emergency Medical Authorization (Exhibit No. 6153(1)).

All student passengers to be transported by private vehicle shall submit permission slips (Exhibit No. 3541.1(3) - Permission for Student to be Transported by Private Vehicle) signed by the student and his/her parent/guardian. Teachers shall ensure that each private vehicle driver has a copy of this permission slip for each student riding in his/her vehicle.

In instances where both the private drivers and the students to be transported could vary each time, a list of the possible drivers or students shall be attached to the appropriate form (Exhibit No. 3541.1(3) - Permission for Student to be Transported by Private Vehicle).

### B. Passenger Safety

All drivers shall wear safety belts in accordance with law. (Vehicle Code 27315, 27360, 27360.5, 27363)

In addition, drivers shall ensure that:

1. The number of passengers, including the driver, shall not exceed the capacity for which the vehicle was designed. Motor trucks may not transport more persons than can safely sit in the passenger compartment. The driver shall ensure that the manufacturer's recommendations for his/her vehicle are followed regarding the seating of children in seats equipped with airbags.
2. The driver or any other person shall not smoke, vape, or have in his/her immediate possession a lighted pipe, cigar, or cigarette containing tobacco or any other plant when there is a minor in the motor vehicle, whether the motor vehicle is in motion or at rest. (Health and Safety Code 118948)
3. A child who is under age 8 years shall be properly secured in a rear seat in an appropriate child passenger restraint system meeting federal safety standards, except under any of the following circumstances: (Vehicle Code 27360, 27363)
  - a. The child is four feet nine inches or taller, in which case a safety belt may be used.
  - b. Use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size and an appropriate special needs child passenger restraint system is not available.

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## CLOVIS UNIFIED SCHOOL DISTRICT

- c. There is no rear seat, the rear seats are side-facing jump seats or rear-facing sets, the child passenger restraint system cannot be installed properly in the rear seat, all rear seats are already occupied by children under age 8 years, or medical reasons necessitate that the child not ride in the rear seat.
  - d. The child is otherwise exempted by law.
- 4. All other children are properly secured in either a child passenger restraint system or safety belt.
  - 5. All other passengers wear seat belts.

### C. Forms Referenced in this Administrative Regulation

- 1. Exhibit No. 3451.1(1) – Private Vehicle Driver Application.
- 2. Exhibit No. 3451.1(2) – Instructions for Drivers of Private Vehicles.
- 3. Exhibit No. 3451.1(3) – Permission for Student to be Transported by Private Vehicle.
- 4. Exhibit No. 3541.1(4) – Authorization for Release of Driver Record Information.
- 5. Exhibit No. 6153(1) – Participation in Voluntary Field Trip – Consent, Assumption of Risk, and Emergency Medical Authorization.
- 6. Exhibit No. 1240 – Volunteer Application Form .

### D. Supervision on Buses During Field Trips

Field trips are an extension of the educational process and require extensive pre-planning. The principal is to be consulted for approval of field trips prior to making arrangements.

Passengers are to follow the instructions of the bus driver. All school and District policies and administrative regulations apply while students are aboard a bus. On field trips where there is an adult supervisor, the adult supervisor must work under the direction of the bus driver to assure bus safety and assist the driver in maintaining proper student behavior.

Every effort should be made to schedule field trips at times when transportation can be furnished without undue interference with normal transportation requirements for transporting students between home and school.

Where field trip schedules for more than one class are similar, classes are encouraged to share a bus. Overnight and out-of-state trips require Board approval. Saturday field trips may be permitted if they cannot be conducted on a regular school day. The principal or designee is responsible for

## CLOVIS UNIFIED SCHOOL DISTRICT

confirming supervision of students at the departure and arrival points for local field trips (including Sierra Outdoor School). The principal or designee will determine if additional adult supervision is required on the bus for local trips. For out of town and/or overnight travel, adult chaperones shall be provided and shall ride the bus with students. Only authorized chaperones and participating students of the event are permitted transportation on field trips.

### E. Insurance

The Superintendent or designee shall ensure that the District or contractor has sufficient liability insurance for transportation on school-related trips. (Education Code 35330)

Adopted: 03/24/2010

Reviewed: 09/24/2010

Amended: 07/02/2013, 04/23/2021 (AR 8302 renumbered as AR 3541.1)

Doc# 36452-5 (04/2021, 11/2011)

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

AR 4119.12, 4219.12, 4319.12

**PERSONNEL**

Certificated, Classified, Administrative and Supervisory

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**

AR 5145.71

**STUDENTS**

Rights and Responsibilities

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**

The District does not discriminate on the basis of sex in any of its programs or activities, and it complies with Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations, 34 C.F.R. Part 106, (Title IX Regulations). The District is committed to maintaining an educational and workplace environment free from sexual harassment.

**A. TITLE IX SEXUAL HARASSMENT PROHIBITED**

Sexual Harassment, as defined in Title IX (Title IX Sexual Harassment), is prohibited in District education programs or activities. Title IX Sexual Harassment is conduct on the basis of sex in an education program or activity that satisfies one or more of the following: (34 CFR 106.30, 106.44)

1. A District employee conditioning the provision of a District aid, benefit, or service on a person's participation in unwelcome sexual conduct.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity.
3. Sexual assault as defined in 20 U.S.C. § 1092(f)(6)(A)(v). Consent is as defined in California Penal Code section 261.6.
4. Dating violence as defined in 34 U.S.C. § 12291(a)(10).
5. Domestic violence as defined in 34 U.S.C. § 12291(a)(8).
6. Stalking as defined in 34 U.S.C. § 12291(a)(30).

The following Title IX definitions apply to the following terms used in this administrative regulation:

1. Complainant is an individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment.
2. Consent is defined in California Penal Code section 261.6.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

3. Education program or activity is locations, events, or circumstances where the District has substantial control over both respondent(s) and the context in which alleged Title IX Sexual Harassment occurred.
4. Formal Complaint is a document filed by a complainant (or a complainant's parent or guardian) or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent(s) and requesting that the District investigate the allegation.
5. Respondent is an individual who has been reported to be the perpetrator of the conduct that could constitute Title IX Sexual Harassment.
6. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to complainant(s) or respondent(s) before or after the filing of a formal complaint or where no formal complaint has been filed.

**B. TITLE IX SEXUAL HARASSMENT COMPLAINTS**

The complaint procedures set forth in this administrative regulation will be used to address any report of Title IX Sexual Harassment in a District education program or activity to the extent required by Title IX.

Should the Title IX Regulations be modified or repealed, the District will implement only the aspects of these procedures required by law. If permitted by law, the District will address reports of sexual harassment, including Title IX Sexual Harassment, in accordance with Administrative Regulation No. 4030 - Nondiscrimination in Employment or Administrative Regulation No. 1312.3 - Uniform Complaint Procedures, as applicable.

The determination of whether the allegations meet the definition of Title IX Sexual Harassment under Title IX will be made by the District's Title IX Coordinator or designee.

Non-Title IX Sexual Harassment Complaints: Reports of sexual harassment not covered by the definition of Title IX Sexual Harassment will be addressed in accordance with Administrative Regulation No. 4030 - Nondiscrimination in Employment or Administrative Regulation No. 1312.3 - Uniform Complaint Procedures, as applicable.

**C. REPORTING AND PROCESSING OF TITLE IX SEXUAL HARASSMENT**

Anyone who believes they have experienced, witnessed, or received a report of Title IX Sexual Harassment is strongly encouraged to report the incident to the District's Title IX Coordinator, District administrator, or any District employee with whom the person is comfortable.

**CLOVIS UNIFIED  
SCHOOL DISTRICT****1. Title IX Coordinator for Title IX Sexual Harassment**

District employees receiving a report of or witnessing Title IX Sexual Harassment are required to report it to the Title IX Coordinator listed below. An employee who fails to promptly report or forward a report of Title IX Sexual Harassment to the Title IX Coordinator may be disciplined, up to and including dismissal.

**Title IX Coordinator – Human Resources**

Shareen Crosby  
Risk and Benefits Manager  
1450 Herndon Avenue  
Clovis, California 93611  
(559) 327-9380  
ShareenCrosby@cusd.com

**Title IX Coordinator – Students**

Russ Harding  
Student Services and School Attendance Assistant Director  
1465 David E. Cook Way  
Clovis, California 93611  
(559) 327-9200  
RussHarding@cusd.com

**2. Processing Reports of Title IX Sexual Harassment**

Upon receiving such a report, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of supportive measures, inform the complainant of the right to file a formal complaint, and explain the process for filing a formal complaint. (34 CFR 106.44) A formal complaint shall be processed in accordance with the procedures set forth in this administrative regulation.

**3. Supportive Measures**

Upon receipt of a report of Title IX Sexual Harassment, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of supportive measures and will consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures will be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures will be non-disciplinary, non-punitive, and designed to restore or preserve equal access to the District's education program and activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules,



**CLOVIS UNIFIED  
SCHOOL DISTRICT**

campus escorts, mutual restrictions on contact between parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures to complainants and respondents. (34 CFR 106.30, 106.44)

The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the District's ability to provide the supportive measures. (34 CFR 106.30)

**4. Administrative Leave**

If a District employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

**5. Emergency Removal**

A student may not be disciplined for alleged Title IX Sexual Harassment until the formal complaint process is completed and a determination of responsibility has been made. However, the District may remove a student from the District's education program or activity, provided that the District conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

**D. FORMAL COMPLAINT AND PROCESSING OF FORMAL COMPLAINT**

The District treats complainants and respondents engaging in the formal complaint process equitably. Respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of this formal complaint process. (34 CFR 106.45(b)(1)(iv)) The District complies with this formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent. (34 CFR 106.45(b)(1)(i))

Anyone designated by the District as a Title IX Coordinator, investigator, decisionmaker, appeal decisionmaker, or informal resolution facilitator will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent and will receive training in accordance with 34 CFR 106.45. (34 CFR 106.45(b)(1)(iii))

**1. Filing of Formal Complaint**

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. (34 CFR 106.30) At the time of filing a formal complaint, a complainant must be participating in or attempting to participate

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

in the education program or activity of the District. (34 CFR 106.30(a).)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator or designee may sign a formal complaint in situations when a safety threat exists and in other situations as permitted under Title IX, including as part of the District's obligation to not be deliberately indifferent to known allegations of Title IX Sexual Harassment. In such cases, the Title IX Coordinator or designee is not a party to the formal complaint. The Title IX Coordinator or designee will provide notices to the complainant as required by Title IX.

The District may consolidate formal complaints of Title IX Sexual Harassment against more than one respondent, or by more than one complainant, or by one party against another, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances.

**2. Written Notice of Allegations**

Upon receipt of a formal complaint, the Title IX Coordinator or designee will provide the known parties with written notice of allegations including the following: (34 CFR 106.45(b)(2))

- a) The formal complaint procedures set forth in this administrative regulation, including any informal resolution process.
- b) The allegations potentially constituting Title IX Sexual Harassment with sufficient details known at the time, including the identities of parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Harassment, and the date and location of the alleged incident, if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, new Title IX Sexual Harassment allegations arise about the complainant or respondent that are not included in this initial notice of allegations, the Title IX Coordinator or designee will provide notice of the additional allegations to the parties.

- c) A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process.
- d) The parties may have an advisor of their choice who may be, but is not required to be, an attorney.
- e) The parties and their advisors, if any, may inspect and review evidence.
- f) Advise the parties that the District's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the formal complaint process.

**CLOVIS UNIFIED  
SCHOOL DISTRICT****3. Dismissal of Formal Complaint**

The Title IX Coordinator or designee must dismiss a formal complaint if the alleged conduct: (1) would not constitute Title IX Sexual Harassment as defined in 34 CFR 106.30 even if proved, (2) did not occur in the District's education program or activity, or (3) did not occur against a person in the United States. (34 CFR 106.45(b)(3) Such conduct may still be address pursuant to other District board policies and administrative regulations including, but not limited to, Administrative Regulation No. 4030 - Nondiscrimination in Employment or Board Policy and Administrative Regulation No. 1312.3 - Uniform Complaint Procedure, as applicable.

At any time during the investigation, the Title IX Coordinator or designee may dismiss a formal complaint of Title IX Sexual Harassment if: (1) the complainant notifies the District in writing that the complainant would like to withdraw the formal complaint or any allegations in the formal complaint, (2) the respondent is no longer enrolled or employed by the District, or (3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination with regard to the formal complaint. (34 CFR 106.45(b)(3))

Upon dismissal, the Title IX Coordinator or designee will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties and inform them of their right to appeal the dismissal of a formal complaint or any allegation in the formal complaint in accordance with the appeal procedures described in paragraph 9 below. (34 CFR 106.45(b)(3))

**4. Informal Resolution**

After a formal complaint of Title IX Sexual Harassment is filed, but at any time before a determination regarding responsibility is reached, the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. (34 CFR 106.45(b)(9)) The District shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45(b)(9))

Prior to facilitating an informal resolution process, the District will: (34 CFR 106.45(b)(9))

- a. Provide the parties with written notice disclosing:
  - 1) The allegations;
  - 2) The requirements of the informal resolution process, including the circumstances under which the parties are precluded from resuming the formal complaint process arising from the same allegations;

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

- 3) The right of either party to withdraw from the informal resolution process and resume the formal complaint process at any time prior to agreeing to a resolution; and
- 4) That the District's informal resolution process is confidential and any consequences resulting from participating in the informal resolution process, including the records of the informal resolution process that will be maintained or could be shared.

b. Obtain the parties' voluntary, written consent to the informal resolution process.

Informal resolution is not available to facilitate an informal resolution to resolve allegations that an employee sexually harassed a student. (34 CFR 106.45(b)(9))

**5. Investigation Procedures**

The burden of proof and the burden of gathering evidence sufficient to reach a determination of responsibility rest on the District and not the parties. (34 CFR 106.45(b)(5))

Unless a party provides voluntary, written consent, the District cannot access, consider, disclose, or otherwise use a party's records maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional capacity, which are made and maintained in connection with the provision of treatment to the party. (34 CFR 106.45(b)(5))

During the investigation process, the District's designated investigator will: (34 CFR 106.45(b)(5))

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding. All party advisors are limited to providing support and may not be direct participants. This conduct expectation applies equally to complainants and respondents.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate.
6. Prior to the completion of the investigative report, provide the parties, and their advisors, if any, an equal opportunity to inspect and review any evidence directly related to the allegations in the formal complaint including evidence the District does not intend to rely in reaching a determination, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report.
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness.
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

The District's investigator will not require, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under legally recognized privilege unless the person holding the privilege has waived the privilege. (34 CFR 106.45(b)(1))

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with Title IX.

**6. Written Determination**

The Title IX Coordinator shall designate a decisionmaker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator, investigator, or appeal decisionmaker on the formal complaint. (34 CFR 106.45(b)(7))

After the investigative report has been sent to the parties, but before reaching a determination of responsibility, the decisionmaker will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. (34 CFR 106.45(b)(6))

The following timelines apply for the submission of questions and responses, unless modified for good cause by the decisionmaker:

1. The parties have 7 calendar days to submit their questions to the decisionmaker after receiving notice of the opportunity to submit questions from the decisionmaker.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

2. After receipt of the questions, the parties and witnesses will have 5 calendar days to submit their responses to the questions to the decisionmaker.
3. When providing the questions and responses to both parties, the decisionmaker will explain to the party proposing the questions any decision to exclude a question as not relevant. Upon receipt of the responses to the questions, the parties will have 3 calendar days to submit limited follow-up questions.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45(b)(6)) The District's decisionmaker will not require, rely upon, allow, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under legally recognized privilege unless the person holding the privilege has waived the privilege. (34 CFR 106.45(b)(1))

The written determination shall be issued within 120 calendar days of the Title IX Coordinator's receipt of the formal complaint filed by a complainant or the date the Title IX Coordinator signs a formal complaint. However, the time for completing the formal complaint process will be temporarily delayed during school recess periods exceeding three days; such periods will be excluded from the 120 calendar days. The timeline may be extended by the Title IX Coordinator or designee for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. Good cause may include, but is not limited to, absence of a party, witness, or party advisor; concurrent law enforcement activity; participation in the informal resolution process; or need for language assistance or disability accommodation. (34 CFR 106.45(b)(1))

The decisionmaker shall issue, and simultaneously provide to both parties, a written determination as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45(b)(7)) In making this determination, the decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of Title IX Sexual Harassment. (34 CFR 106.45(b)(1)) The decisionmaker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness. (34 CFR 106.45(b)(1))

The written determination will include the following: (34 CFR 106.45(b)(7))

1. Identification of the allegations potentially constituting Title IX Sexual Harassment as defined in 34 CFR 106.30;
2. A description of the procedural steps taken from receipt of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the District's code of conduct or policies to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District's educational program or activity will be provided by the District to the complainant.
6. The District's procedures and permissible bases for the complainant and respondent to appeal.

Unless a party provides voluntary, written consent, the District cannot access, consider, disclose, or otherwise use a party's records maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional capacity, which are made and maintained in connection with the provision of treatment to the party. (34 CFR 106.45(b)(5))

**7. Remedies**

When a determination of responsibility for Title IX Sexual Harassment has been made against the respondent, the District shall provide remedies to the complainant. Remedies will be designed to restore or preserve equal access to the District's education program or activity. Such remedies may include the same individualized services described above in C.3 - Supportive Measures but need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.(34 CFR 106.45) The Title IX Coordinator is responsible for effective implementation of any remedies. (34 CFR 106.45(b)(7))

**8. Sanctions/Disciplinary Actions/Corrective Actions**

Except as provided in C.4 or C.5 above and applicable law, the District shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in C.3, until the formal complaint process has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the formal complaint process, if it is determined that a student at any grade level has committed Title IX Sexual Harassment, the student shall be disciplined as provided in the District's board policies and applicable law.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to: (Education Code 48900.2)

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

After the completion of the formal complaint process and an employee is found to have committed Title IX Sexual Harassment, the District shall take appropriate disciplinary action, up to and including dismissal, in accordance with the District's board policies, applicable law, and collective bargaining agreement.

**9. Appeals**

Either party may appeal the District's decision or dismissal of a formal complaint or any allegation in the formal complaint, if: (1) the party believes that a procedural irregularity affected the outcome, (2) new evidence is available that could affect the outcome, or (3) a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome. (34 CFR 106.45(b)(8))

An appeal must be filed in writing with the Title IX Coordinator within 10 calendar days of receiving the written determination or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

If an appeal is timely filed, the District shall: (34 CFR 106.45(8))

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
2. Ensure that the appeal decisionmaker is trained in accordance with 34 CFR 106.45 and is not the decisionmaker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.



**CLOVIS UNIFIED  
SCHOOL DISTRICT**

3. Give both parties 10 calendar days to submit a written statement in support of or challenging the outcome.
4. Issue a written decision describing the result of the appeal (e.g., affirms, reverses, remands, or amends the written determination regarding responsibility) and the rationale for the result within 30 calendar days from the deadline for the parties to submit their written statement in support of or challenging the outcome. The written decision shall be provided simultaneously to both parties.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised 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.

**E. RECORDKEEPING**

The Title IX Coordinator or designee shall maintain records of the following for a period of seven years: (34 CFR 106.45(b)(10))

1. All reported allegations and Title IX Sexual Harassment investigations, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed on respondent, and any remedies provided to the complainant designed to restore equal access to the District's education program or activity.
2. Any appeal and the result.
3. Any informal resolution and the results.
4. Any actions, including any supportive measures, taken in response to a report or formal complaint of Title IX Sexual Harassment. In each instance, the District will document the basis for its conclusion that its response was not deliberately indifferent and the measures taken that were designed to restore or preserve equal access to the education program or activity. If no supportive measures were provided to the complainant, the District will document the reasons that such a response was not unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District from providing additional explanations or detailing additional measures in the future.
5. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and informal resolution facilitators. The District shall make such training materials publicly available on its website.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

Adopted: 12/10/2021

Amended: 03/24/2022, 05/17/2023, 09/25/2023

**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

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

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

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

Doc# 55407-9 (09/2023, 10/01/2020)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### STUDENTS

Admissions Residency and Attendance

### STUDENT ABSENCES, EXCUSES, AND MAKE UP OPPORTUNITIES

**PURPOSE:** To recognize the importance of daily school attendance, while ensuring students the opportunity to make up work missed due to justifiable absences from school.

The Board believes that regular attendance plays an important role in student achievement. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged 6 to 18 are obligated to send their children to school unless otherwise provided by law. The Board shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

#### A. Excused Absences

The Board, while stressing the importance of regular school attendance to the learning process, recognizes that illness, other medical reasons, death in the family, and other justifiable personal reasons may necessitate a student's absence from school.

The Board directs the Superintendent or designee to develop a program which will provide a student with the opportunity to complete, within a reasonable time, course assignments and tests missed due to an approved absence, and upon completion be given full credit therefor within the limits established by existing statutes.

#### B. Weekend School Program

The Board desires to provide learning opportunities within the regular school structure for students who need to make up work because of absences, whether excused or unexcused, tardiness, truancy, and the like. It would also be desirable to provide such an opportunity in lieu of suspension for infractions of Education Code section 48900 or as an alternative to other disciplinary action when appropriate.

The Board directs the Superintendent or designee to develop a Weekend School Program which provides students with a classroom situation to make up work and/or fulfill the stipulations of a disciplinary action.

The Weekend School Program can be operated at any school within the District and must provide a classroom related program for a minimum of four hours.

The Weekend School Program is funded through the revenue generated by students attending the program. A minimum number of such students must be in attendance to cover the direct cost of a teacher's hourly wage, plus administrative and utility costs. The Weekend School teacher will be paid the hourly rate equivalent to a summer school teacher.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

Adopted: 07/09/1980

Reviewed: 08/12/1992, 07/19/2006, 10/10/2007

Amended: 10/26/1983, 12/12/1984, 05/13/1992, 12/15/2004, 02/25/2009, 11/18/2020 (BP 2207  
renumbered as BP 5113)

**EDUCATION CODE**

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

42238-42250.1 Apportionments

46000 Records (attendance)

46010-46014 Absences

46100-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48208 Children ages 6-18 (compulsory full-time attendance)

48210-48216 Exclusions from attendance

48225.5 Work permit; excused absence; entertainment or allied industries

48240-48246 Supervisors of attendance

48260-48273 Truants

48292 Filing complaint against parent

48320-48324 School attendance review boards

48340-48341 Improvement of student attendance

48913 Completion of work

48980 Parental notifications

49067 Unexcused absences as cause of failing grade

49701 Provisions of the interstate compact on educational opportunities for military children

51745-51746 Independent Study

**ELECTIONS CODE**

12302 Student participation on precinct boards

**FAMILY CODE**

6920-6929 Consent by minor

**VEHICLE CODE**

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

**WELFARE AND INSTITUTIONS CODE**

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-424 Record of verification of absence due to illness and other causes

11700 -11702 Independent Study

Doc# 43412-8 (10/2020, 03/2017)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****STUDENTS**

Admissions Residency and Attendance

**INTRA-DISTRICT TRANSFERS/OPEN ENROLLMENT - ANNUAL**

**PURPOSE:** Establish a process for intra-district transfers and open enrollment within the District for students who are in grades TK-12 and students who reside in the District.

**A. Intradistrict Transfers (Short-Term)**

Notwithstanding Board Policy No. 5111.1, the Board recognizes that students and families have unique needs deserving special consideration and authorizes the Superintendent to establish procedures and an administrative regulation to provide for students who reside within the District to attend schools other than in the school determined by the residence of the student.

The Board recognizes that class capacity considerations may require the administrative transfer of students from one school to another. The Superintendent or designee is authorized to implement the administrative transfer of students from one school to another when grade level enrollment exceeds capacity.

The Superintendent or designee shall determine annually the capacity of each District school. This determination of school site capacity shall be based on nonarbitrary data-driven factors relating to pupil enrollment and available school site space, including permanent and portable classrooms at each school site that can be supported by the on-site infrastructure (restrooms, multi-purpose rooms, library media center, etc.) as defined in Board Policy No. 7110.2 – School Capacity Parameters.

Approval of any Intradistrict Transfer Application is subject to space availability at the receiving school. A student, not a resident in the attendance area of the receiving school, shall not attend that school at the expense of a student who resides within that school's attendance area or who has been granted an open enrollment transfer thus declaring them a resident of that school. Intradistrict transfer students are subject to overflow should the grade level exceed District established class capacity.

All Intradistrict Transfer Applications will be evaluated based on space availability, diverse needs of students and parents/guardians, safety concerns, program availability, and the reason given for the transfer.

It is the intent of the Board that special consideration be afforded transfer requests for school children (grades TK-8) based upon provisions for childcare during non-school hours. Additional special considerations for approval of transfers will be outlined in the administrative regulation.

It is the parent's responsibility to provide transportation for the student to and from the school of requested attendance.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

All requests for transfers must be submitted in writing and signed by the parent/guardian. Transfers may be approved only until the next open enrollment period opens and the preceding school year begins. Attendance the following school year is subject to Board Policy No. 5111.1.

Students who are approved for an intradistrict transfer and are entering grades 7-12 are ineligible for athletics for 365 days, unless an exception applies as provided in Board Policy/Administrative Regulation No. 6145.

Authorization or approval by the District of a student's intradistrict transfer does not result in the student obtaining eligibility for District interscholastic athletics for grades 4-12. Following a student's intradistrict transfer into a new District school, the determination of the student's eligibility for interscholastic athletics will be based upon the requirements, standards and guidelines set forth in Board Policy No. 6145 - Co-Curricular and Extra-Curricular.

The intra-district transfer is a short-term transfer. Approved intradistrict transfers may not be renewed. For transfers longer than 18 months, families must use the open enrollment process.

Parents wishing a review and/or an appeal of an intradistrict transfer decision will present such request to the Director of Student Services and School Attendance for final determination.

**B. Open Enrollment (Long-Term)**

The Board intends that the parent/guardian of each school-age child who resides within the District shall have the opportunity to select the school the child shall attend, irrespective of the particular location of the child's residence within the District, provided that such attendance does not create a school safety issue, exceed space availability, or there is not a specific program limitation among the schools of the District.

Boundary lines for elementary school attendance areas are established using the concept of the neighborhood school. Attendance areas for intermediate and high schools are established to meet the diverse needs and interests of District students and parents/guardians, while also maximizing the efficient use of District facilities and resources.

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 and regardless of the student's enrollment in a private or charter school.

The Board also intends that a student whose legal residence is within the attendance boundaries of a school or a prior Open Enrollment Transfer Application shall not be displaced by a student not residing within that school's attendance boundaries.

Transportation for students shall be provided pursuant to District board policies.



**CLOVIS UNIFIED  
SCHOOL DISTRICT**

Students who are approved for an open enrollment transfer and are entering grades 7-12 are ineligible for athletics for 365 days, unless an exception applies as provided in Board Policy and Administrative Regulation No. 6145.

Authorization or approval by the District of an open enrollment transfer of students entering grades 7-12 does not result in the student obtaining eligibility for District interscholastic athletics for grades 4-12. Following a student's open enrollment transfer into a new District school, the determination of the student's eligibility for interscholastic athletics will be based upon the requirements, standards, and guidelines set forth in Board Policy and Administrative Regulation No. 6145.

Any parent/guardian wishing to obtain a transfer under the sibling rule to remain in the original attendance area (Board Policy No. 5116) must follow the open enrollment transfer application requirements. Students who are granted and accept an open enrollment transfer under the sibling rule may be granted athletic eligibility as a hardship based on California Interscholastic Federation (C.I.F.) Central Section Bylaw 213 Hardship Waivers, District Board Policy and Administrative Regulation No. 6145.

The Superintendent shall prepare an administrative regulation to provide the parents/guardians of a school-age child with the opportunity to select the school their child shall attend within the District. Such regulations shall include:

- a. Procedures to determine the student capacity for each school.
- b. Procedures to assure that no student who currently resides in the attendance area of a school or has resident status shall be displaced by students transferring from outside the attendance area.
- c. A selection procedure for schools that receive requests for admission in excess of the student capacity of the school.
- d. A process for notifying the parents/guardians of students at the beginning of the first semester or quarter of the regular school term of this policy and of all current statutory attendance options and local attendance options available in the District.

Any complaints regarding the selection process shall be submitted to the Director of Student Services and School Attendance or designee.

The Board shall annually review this policy.

Adopted: 03/09/1994

Reviewed: 07/08/2009, 06/09/2021, 06/08/2022, 05/24/2023

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

Amended: 10/12/2005, 12/13/2006, 12/12/2007, 09/08/2010, 11/16/2011, 12/10/2014,  
01/14/2015, 11/18/2020 (BP 2208 renumbered as BP 5116.1; moved all contents of  
BP 2209)

**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  
48207 Pupils with temporary disabilities in hospitals outside of school district  
48208 Presence of pupils with temporary disabilities  
48300-48316 Student attendance alternatives, school District of choice program  
48980 Notice at beginning of term  
56162 Residency

**GOVERNMENT CODE**

244 Determination of place of residence

**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 school

**DECISION**

Crawford v. Huntington Beach Union High Sch. Dist. (2002) 98 Cal.App.4th 1275

CIF Central Section Bylaw 207, 213

Doc# 43413-12 (05/2023, 12/2019)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****STUDENTS**

Admissions Residency and School Attendance

**INTER-DISTRICT ATTENDANCE/TRANSFERS**

**PURPOSE:** To authorize and establish procedures for the admission and attendance of students in a district other than the student's district of residence.

Notwithstanding Board Policy No. 5111.1 – District Residency/Student Residence and Enrollment, the Board recognizes that students and families have unique needs deserving special consideration and authorizes the Superintendent to establish an administrative regulation providing for the attendance of students in a district other than the student's district of residence.

The Board authorizes the Director of Student Services and Student Attendance (SSSA) to enter into agreements with other school districts on behalf of the Board which provide for the attendance of students in schools other than in the student's district of residence and the related transfers of students out of and into the District.

The Director of SSSA is authorized, for a period not to exceed two school months, to provisionally admit to the schools of the District a student who resides in another school district pending a decision by the concerned districts or by the Fresno County Board of Education on appeal.

Approval of an Interdistrict Transfer Attendance Permit shall be subject to capacity as defined in Board Policy No. 7110.2 – School Capacity Parameters at the receiving school. A student who is not a resident of the District shall not attend a school in the District unless otherwise permitted by law or District board policies.

An Interdistrict Transfer Attendance Permit shall not be approved when the requested attendance is likely to displace the attendance of a student who resides within the District.

The parent/guardian is generally responsible for providing transportation for the student to and from the requested school of attendance. Additional information related to student transportation is set out in the administrative regulation.

All requests for transfers must be submitted in writing and signed by the parent/guardian. Transfers are to be approved for one school year and must be renewed annually unless otherwise provided.

Authorization or approval by the District of a student's inter-district transfer does not result in the student obtaining inter-district transfer eligibility for District interscholastic athletics. Following a student's inter-district transfer into a District school, the determination of the student's inter-district transfer eligibility for interscholastic athletics will require a separate review based upon the requirements, standards, and guidelines set forth in Board Policy and Administrative Regulation No. 6145 – Co-Curricular and Extra-Curricular.

Parents/guardians wishing a review and/or an appeal of a denied inter-district transfer decision may do so in writing to the Director of Student Services and School Attendance within 30 calendar days. On final determination of the internal appeal, parents/guardians wishing a review and/or appeal of an inter-district transfer decision will present such a request to the Fresno County Board

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

of Education within 30 calendar days of the failure or refusal to issue a permit for final determination.

**EDUCATION CODE**

8151 Apprentices, exemption from interdistrict attendance agreement

41020 Annual District audits

46600-46610 Interdistrict attendance agreements

48200 Children between ages 6 and 18 years

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

Adopted: 07/23/1975

Reviewed: 07/08/2009

Amended: 12/12/1979, 12/10/1980, 08/26/1987, 05/13/1992, 03/09/1994, 10/12/2005,  
12/13/2006, 12/12/2007, 09/08/2010, 11/16/2011, 06/13/2012, 11/18/2020 (BP 2210  
renumbered as BP 5117)

Doc# 43415-7 (10/2020, 12/2019)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### STUDENTS

#### Records

### STUDENT RECORDS

**PURPOSE:** To assure compliance with applicable laws regarding privacy and disclosure of student records.

The Board recognizes that educational interests of students require the collection of appropriate data which is necessary for the effective performance of those working for the student's educational welfare. At the same time, the Board respects the right of students and parents to privacy and their right to be informed of the school's plans for students.

#### A. Student Records

The Family Educational Rights and Privacy Act of 1974 and sections of the Education Code establish the right of parents to have access to and privacy of information about their children contained in school records.

The Board directs the Superintendent to establish an administrative regulation governing the identification, description, and security of student records, as well as maintaining the confidentiality of student records. The administrative regulation shall ensure, in accordance with law, the parental rights to review, inspect, and copy student records and shall protect the student and his/her family from invasion of privacy.

In accordance with law, the Board designates the Associate Superintendent of School Leadership as the certificated employee to serve as the custodian of records at the District level. (5 CCR 431(a)) Records of students are generally maintained at the site under the responsibility of the school principal.

#### B. Challenging Student Records

A parent may file a written request with the Superintendent or designee to correct or remove any information recorded in the written records regarding his or her child in accordance with the accompanying administrative regulation and applicable laws.

#### C. Professional Visitors and Observers, Surveys and Questions

The Board authorizes the Superintendent or designee to cooperate with outside agencies and individuals requesting information from or about the District and the students thereof.

The Superintendent or designee may, in his/her discretion, authorize and coordinate the collection and release of all information concerning the District and the student thereof in accordance with this policy, the accompanying administrative regulation, and applicable laws.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

Adopted: 09/22/1993

Reviewed: 03/06/2007

Amended: 12/15/2004, 07/08/2009, 07/17/2019, 11/18/2020 (BP 7101 renumbered as BP 5125;  
moved all contents of BP 7401)

**EDUCATION CODE**

234.7 Student protections relating to immigration and citizenship status

17604 Contracts

48201 Student records for transfer students who have been suspended/expelled

48853.5 Foster youth; placement, immunizations

48902 Notification of law enforcement of specified violations

48904-48904.3 Withholding grades, diplomas, or transcripts

48918 Rules governing expulsion procedures

48980 Parental notifications

48985 Notices in parent/guardian's primary language

49060-49079 Student records

49091.14 Parental review of curriculum

51747 Independent study

56041.5 Rights of students with disabilities

56050 Surrogate parents

56055 Foster parents

69432.9 Cal Grant program; notification of grade point average

**BUSINESS AND PROFESSIONS CODE**

22580-22582 Digital privacy

22584-22585 Student Online Personal Information Protection Act

22586-22587 Early Learning Personal Information Protection Act

**CODE OF CIVIL PROCEDURE**

1985.3 Subpoena duces tecum

**FAMILY CODE**

3025 Access to records by noncustodial parents

6552 Caregiver's authorization affidavit

**GOVERNMENT CODE**

6252-6260 Inspection of public records

**HEALTH AND SAFETY CODE**

120440 Immunizations; disclosure of information

**PENAL CODE**

245 Assault with deadly weapon

## CLOVIS UNIFIED SCHOOL DISTRICT

### WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

701 Juvenile court law

16010 Health and education records of a minor

### CODE OF REGULATIONS, TITLE 5

430-438 Individual student records

16020-16027 Destruction of records of school Districts

### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of Pupil Rights Amendment

### UNITED STATES CODE, TITLE 26

152 Definition of dependent child

### UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

### CODE OF FEDERAL REGULATIONS, TITLE 16

Part 312 Children's Online Privacy Protection Rule

### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

300.501 Opportunity to examine records for parents of student with disability

Doc# 44833-8 (10/2020, 05/2018)

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

## STUDENTS

## Records

**RELEASE OF DIRECTORY INFORMATION**

**PURPOSE:** To set forth the District's policy regarding the release of directory information regarding students.

The Board recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law, board policy, and administrative regulation.

The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with this policy.

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on his/her determination of the best interests of District students. (Education Code 49073)

Colleges and prospective employers, including military recruiters, shall have access to directory information, unless the parent/guardian has specified that the information shall not be released in accordance with law and the accompanying administrative regulation.

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and prospective employers in accordance with board policy. Private schools and colleges may be given the names and addresses of 12th-grade students and students who are no longer enrolled provided that they use this information only for purposes directly related to the institution's academic or professional goals. (Education Code 49073)

Adopted: 11/18/2020 (moved provisions regarding directory information from BP 7101)

## EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

48918 Rules governing expulsion procedures

49060-49079.7 Pupil Records

49063 Notification of parents of their rights

49073 Release of directory information

49073.5 Directory information; military representatives; telephone numbers

49603 Public high schools; military recruiting

56050 Surrogate parent

56055 Foster parent

## CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum; personal records of consumer



**CLOVIS UNIFIED  
SCHOOL DISTRICT**

## FAMILY CODE

3025 Parental access to records

## GOVERNMENT CODE

6252-6260 California Public Records Act

## HEALTH AND SAFETY CODE

120440 Immunization information systems

## WELFARE AND INSTITUTIONS CODE

681 Appearance by district attorney; consent of court

16010 Health and education records of minors and nonminor dependents

## CALIFORNIA CODE OF REGULATIONS, TITLE 5

430-438 Individual Pupil Records

16020-16027 Destruction of Records of School Districts

## UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

## UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

## UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

## CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

300.500 Responsibility of State Education Agency and other public agencies

300.501 Opportunity to examine records; parent participation in meetings

300.503 Prior notice by the public agency; content of notice

Doc# 44836-6 (10/2020, 07/2005)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****STUDENTS****Rights and Responsibilities****BULLYING**

**PURPOSE:** To establish a policy to ensure every student shall be free from bullying at school or school-related activities.

The District prohibits bullying, including that which is based on actual or perceived characteristics described in Penal Code section 422.55, Education Code section 220, or association with a person or group with one or more of these actual or perceived characteristics, and which is more fully described in the administrative regulation. The District also prohibits retaliation for filing a complaint or for participating in the complaint resolution process. This policy applies to all acts related to school activity or school attendance occurring within a school of the District.

The Board authorizes the Superintendent to adopt an administrative regulation to implement this policy to ensure that students are free from discrimination, harassment, intimidation, and bullying. The Board further authorizes the Superintendent or designee to provide a mechanism for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics described in Penal Code section 422.55, Education Code section 220, or association with a person or group with one or more of these actual or perceived characteristics. Said complaint process must:

1. Require all school personnel who witness an act of discrimination, harassment, intimidation, or bullying to take immediate steps to intervene when safe to do so.
2. Set forth a timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools of the District.
3. Include an appeal process afforded to the complainant should he or she disagree with the resolution of a complaint filed pursuant to this policy.

All forms developed pursuant to the complaint process shall be translated in keeping with Education Code section 48985. All individuals making a complaint alleging discrimination, harassment, intimidation, or bullying pursuant to this policy shall be protected from retaliation and have their identity remain confidential, as appropriate, which includes the confidentiality of immigration status.

The Board directs the Superintendent or designee to publicize this policy, including a description of how to file a complaint, and to ensure that this policy is posted in school offices, schools, staff lounges, and student government meeting rooms.

The Board directs that students be educated regarding bullying and harassment, which shall include education of students regarding the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs. The Board further

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

directs that District employees be trained so they are aware of their duty to take responsible steps to eliminate a hostile environment and respond to any incident of harassment based on any protected actual or perceived characteristics. Such training should, at a minimum, provide District employees with the skills to do all of the following:

1. Discuss the varying immigration experiences among members of the student body and school community.
2. Discuss bullying-prevention strategies with students and teach students to recognize the behavior and characteristics of bullying perpetrators and victims.
3. Identify the signs of bullying or harassing behavior.
4. Take immediate corrective action when bullying is observed.
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.

The Board identifies the Associate Superintendent of School Leadership as the responsible District employee for ensuring compliance with this policy.

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 section 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 section 46600, the Superintendent or designee shall allow the transfer in accordance with law and District policy on intra-district or inter-district transfer, as applicable.

This policy shall not be construed to limit pupil rights to free speech as protected by the United State Constitution, the California Constitution, or other applicable law.

The Board has also adopted Board Policy No. 5145.3 regarding nondiscrimination and Board Policy No. 5145.7 regarding sexual harassment.

Adopted: 06/13/2012

Amended: 06/13/2018, 11/18/2020 (BP 2116 renumbered as BP 5131.2)

**EDUCATION CODE**

200-262.4 Prohibition of discrimination

32261 Interagency School Safety Demonstration Act

32282 Comprehensive safety plan

32283 Workshops; contracts with professional law enforcement and educator trainers

32283.5 Bullying; online training

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

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**

288.2 Harmful matter sent to minor  
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 42**

2000d-2000e Title VI of the Civil Rights Act of 1964  
2000h-2-2000h-6 Intervention by Attorney General

**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

Doc# 43407-9 (10/2020, 12/2019)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****STUDENTS****Rights and Responsibilities****ALCOHOL, TOBACCO, AND OTHER DRUGS PREVENTION/INTERVENTION**

Because the use of alcohol, tobacco, and other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences, the Board believes it is necessary for the schools of the District to be free of alcohol, tobacco, and other drugs.

The Board desires that every effort be made to reduce the chances that students will begin or continue the use of alcohol, tobacco, and other drugs. Alcohol and tobacco are like any other drug, illegal for use by minors. The Superintendent or designee shall develop a comprehensive prevention program that includes instruction, intervention, counseling, recovering student support, enforcement/discipline, and voluntary testing. The Superintendent or designee shall clearly communicate to students, staff, and parents/guardians all board policies, administrative regulations, procedures, and school rules related to this prevention program.

Recognizing that keeping schools free of alcohol, tobacco, and other drugs is a concern common to the District and the community, the Board supports cooperation among schools, parents/guardians, law enforcement, and other appropriate community organizations involved in preventing alcohol, tobacco, and other drugs use.

To obtain the widest possible input and support for District policies and programs related to alcohol, tobacco, and other drug abuse prevention, the Board shall recognize a District-wide school/community advisory council to make recommendations in this area. The Board also supports site-level advisory groups in this area.

**A. Instruction**

1. The District shall provide instructional programs which help students to avoid the use of alcohol, tobacco, and other drugs and which teach students how to influence their peers to avoid and/or discontinue the use of alcohol, tobacco, and other drugs. Instruction shall be preventive in nature and designed to help students who have questions related to alcohol, tobacco, and other drugs.
2. The instructional programs will help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with alcohol, tobacco, and other drugs, and will assist students toward maturity.
3. The curriculum will be K-12, comprehensive and sequential in nature, and suited to meet the needs of students at their respective grade levels.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

4. Instruction will be provided upon the effects of alcohol, tobacco, narcotics, restricted dangerous drugs and other dangerous substances upon prenatal development, as part of the comprehensive prevention education program. This instruction will be provided in health/science courses in 7<sup>th</sup> and/or 8<sup>th</sup> grade and in health courses for 9<sup>th</sup> grade students as well as 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> grade physical education wellness classes.

**B. Intervention**

1. The Board recognizes that there are students on District campuses who use alcohol, tobacco, and other drugs and can benefit from intervention. The Board supports intervention programs that include the involvement of students, parents/guardians, and community agencies/organizations.
2. The Board finds it essential that District employees be trained to identify symptoms which may indicate use of alcohol, tobacco, and other drugs. District employees' responsibilities in working with, intervening, and reporting students suspected of alcohol, tobacco, and other drug use shall be clearly defined in the administrative regulation.
3. Students and parents/guardians shall be informed about the signs of alcohol, tobacco, and other drug use and about appropriate agencies offering counseling.

**C. Recovering Student Support**

The Board recognizes the presence of recovering students in the schools and the necessity to support these students in avoiding re-involvement with alcohol, tobacco, and other drugs. The Board directs the Superintendent or designee to provide ongoing school activities and counseling which enhance recovery.

**D. Enforcement/Discipline**

1. The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol, tobacco and other drugs and related paraphernalia on school grounds, at school events, or in any situation in which the District is responsible for the conduct and well-being of students. Students possessing, selling, using, and/or under the influence of alcohol, tobacco, or other drugs or related paraphernalia shall be subject to disciplinary procedures which could result in suspension and/or expulsion. In addition, students will be required to attend counseling sessions for alcohol related offenses, as appropriate.
2. School authorities may search students and school properties for the possession of alcohol, tobacco, and other drugs as long as such searches are conducted in accordance with the law, board policies, and administrative regulations.

**CLOVIS UNIFIED  
SCHOOL DISTRICT****E. Voluntary Drug Testing**

To reduce the chances that students will begin or continue to use alcohol, tobacco, and other drugs, the Board directs the Superintendent or designee to implement voluntary drug testing of high school students.

**F. Program Evaluation**

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of District programs in reducing drug and alcohol use. The Superintendent or designee shall periodically report to the Board on the effectiveness of District activities in achieving identified objectives and outcomes. (20 USC 7116)

Adopted: 07/23/1975

Reviewed: 06/15/2010

Amended: 01/04/1978, 02/25/1987, 06/20/1990, 01/15/1992, 02/10/1993, 02/28/1996,  
12/11/2002, 08/24/2005, 10/12/2005, 08/08/2007, 07/08/2009, 11/18/2020 (BP 2106  
renumbered as BP 5131.6)

**EDUCATION CODE**

44049 Known or suspected alcohol or drug abuse by student  
44645 In-service training anabolic steroids  
48900 Suspension or expulsion (grounds)  
48900.5 Suspension, limitation on imposition; exception  
48901 Smoking or use of tobacco prohibited  
48901.5 Prohibition of electronic signaling devices  
48902 Notification of law enforcement authorities; civil or criminal immunity  
48909 Narcotics or other hallucinogenic drugs  
48915 Expulsion; particular circumstances  
49423 Administration of prescribed medicine  
49480 Continuing medication regime for nonepisodic condition  
49602 Confidentiality of pupil information  
51202 Instruction in personal and public health and safety  
51203 Instruction on alcohol, narcotics and restricted dangerous drugs  
51210 Areas of study  
51220 Areas of study, grades 7 to 12  
51260-51269 Drug education  
60041 Instructional materials  
60110-60115 Instructional materials on alcohol and drug education

**BUSINESS AND PROFESSIONS CODE**

25608 Alcohol on school property; use in connection with instruction

**CLOVIS UNIFIED  
SCHOOL DISTRICT****HEALTH AND SAFETY CODE**

11032 Narcotics, restricted dangerous drugs and marijuana

11053-11058 Standards and schedules

11353.6 Juvenile Drug Trafficking and Schoolyard Act

11357 Unauthorized possession of marijuana; possession in school or on school grounds

11361.5 Destruction of arrest or conviction records

11372.7 Drug program fund; uses

11802 Joint school-community alcohol abuse primary education and prevention program

11999-11999.3 Alcohol and drug program funding; no unlawful use

124175-124200 Adolescent family life program

**PENAL CODE**

13860-13864 Suppression of drug abuse in schools

**VEHICLE CODE**

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over

**WELFARE AND INSTITUTIONS CODE**

828 Disclosure of information re minors

828.1 Disclosure of criminal records; protection of vulnerable staff & students

**UNITED STATES CODE, TITLE 20**

5812 National education goals

7101-7122 Student Support and Academic Enrichment Grants

Doc# 43397-7 (10/2020, 10/2017 (BP 5131.6), 08/2013 (BP 5131.61), 07/2016 (BP 5131.62))



**CLOVIS UNIFIED  
SCHOOL DISTRICT****STUDENTS****Rights and Responsibilities****DRESS AND GROOMING**

**PURPOSE:** To define student dress and grooming requirements.

Consistent dress and grooming policy is necessary to maintain order, provide a safe school environment, and promote discipline. Dress or grooming that draw undue attention detract from the educational process and is therefore unacceptable.

The Board authorizes the Superintendent to adopt an administrative regulation which is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics and which prohibits student dress or grooming practices which:

1. Present a hazard to the health or safety of the student or to others in the school;
2. Materially interfere with school work, create disorder, or disrupt the educational program;
3. Cause excessive wear or damage to school property; or
4. Prevent the student from achieving educational objectives because of blocked vision or restricted movement.

The administrative regulation regarding the dress code will be reviewed each May by students, faculty, parents, and administration with a revised version submitted to the Board for approval for use during the next school year.

Student violations of the administrative regulation are termed defiance of the direction and valid authority of the school principal, teachers, and others in authority and the Board directs that the principal or designee may administer any appropriate disciplinary action.

**School Uniforms**

The Board authorizes any school site to implement a uniform dress policy provided there is demonstrated parental support. Students and parents shall have a free choice of participating in the school's uniform policy or choosing not to participate. Parents who choose to not have their student(s) participate will need to sign a form opting out of the uniform dress policy. All uniform items must be consistent with the District's current dress code policy.

Adopted: 06/04/1975

Reviewed: 06/14/2006, 05/23/2007, 05/28/2008, 05/27/2009, 05/26/2010, 06/12/2013

Amended: 01/04/1978, 05/28/1980, 05/23/1984, 12/12/1984, 05/22/1985, 05/28/1986,  
05/27/1987, 06/08/1988, 06/28/1989, 06/05/1991, 06/08/1992, 06/25/1993,  
06/25/1994, 05/24/1995, 02/28/1996, 03/27/1996, 08/24/2005, 11/18/2020 (BP 2105)

## CLOVIS UNIFIED SCHOOL DISTRICT

renumbered as BP 5132)

### EDUCATION CODE

- 212.1 Nondiscrimination based on race or ethnicity
- 220 Nondiscrimination
- 32281 School safety plans
- 35183 School dress codes; uniforms
- 35183.5 Sun-protective clothing
- 48907 Student exercise of free expression
- 49066 Grades; effect of physical education class apparel

### CALIFORNIA CODE OF REGULATIONS, TITLE 5

Section 300 Duties Generally.

Section 302 Pupils to Be Neat and Clean on Entering School

Doc# 43396-7 (10/2020, 10/2019)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### STUDENTS

#### Rights and Responsibilities

### DRESS AND GROOMING

This administrative regulation specifies standards of dress and grooming promoting a safe school setting conducive to a positive learning environment consistent with Board Policy No. 5132.

#### A. Apparel

All clothing shall be neat, clean, and acceptable in repair and appearance and shall be worn within the bounds of decency and good taste as appropriate for school.

1. Articles of clothing which display gang symbols, profanity or products or slogans which promote tobacco, alcohol, drugs or sex; materially interfere with schoolwork; or create disorder or disrupt the educational process are not allowed.
2. Any clothing or apparel that a student or group of students wear to identify themselves for the purpose of harassing, threatening, or intimidating others will not be allowed.
3. Extreme fashion that draws undue attention to the student will not be allowed. This includes any clothing and extreme make-up that disrupts the learning environment.
4. Jackets and other apparel depicting professional sports teams shall not be worn. Jackets or other apparel depicting college or university teams are acceptable unless such team designations are associated with gangs or otherwise conflict with the standards for acceptable apparel.
5. Underwear-type sleeveless shirts, athletic tank tops, beach wear, swim wear, halter-tops, tube tops, spaghetti straps, bare midriffs or chests, see-through or fishnet outfits, or off the shoulder and low-cut tops are not appropriate or acceptable. Clothing that exposes bare midriffs or cleavage is prohibited at any time during school or school-sponsored activities or events. Shoulder straps on tops and other clothing must be a minimum of two inches (2") wide.
6. Dresses and skirts are to be worn no shorter than five inches (5") above the top of the kneecap, but no shorter than mid-thigh.
7. Shorts are to have an inseam of at least five inches (5"). Shorts are to be stitched evenly around, and if frayed, must be stitched to avoid further fraying. Holes revealing skin or undergarments are not allowed. Spandex or Lycra shorts are not permissible. Shorts worn during physical education may not be worn during regular class time at secondary sites.
8. Straps on shoes and clothing must be fastened at all times.

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## CLOVIS UNIFIED SCHOOL DISTRICT

9. Leggings and jeggings are permitted but cannot be see-through or have mesh or ruching above the knee. Tops worn with leggings and jeggings must not expose bare midriffs at any time during school or school-sponsored activities or events.
10. Shoes must be worn by all students. No hard-toed or steel-toed shoes/boots will be allowed. No high top, laced up, combat, or military style boots will be allowed. Shoes or sandals without heel straps that do not present a safety concern may be worn by students in grades 7 through 12, except during physical education classes, recess, while participating in school-related athletic competitions, events or activities, or while participating in other activities where safety is a concern. Backless shoes commonly known as “flip-flops,” “beach shoes,” “soccer sandals,” “zories,” and/or thongs are inappropriate and will not be allowed. See Exhibit No. 5132(2).
11. For safety reasons, students in grades pre-school through 6 are not allowed to wear flip-flops, shoes, or sandals without a heel strap. See Exhibit No. 5132(2).
12. No slippers will be allowed.
13. Excessively baggy pants are not allowed. Pants cannot exceed five inches (5”) when measured out from the kneecap of the straightened leg. Pants must fit and be worn at the natural waist. The bottom of the pant leg may not drag on the ground. Pant hems must not be stapled or pinned.
14. Sleepwear is not permissible.
15. Oversized shirts that present a safety concern or reflect gang style are not acceptable.
16. If hats (including visors) are worn, students are only permitted to wear their specific school or high school area related hats. All hats must be worn facing forward at all times. All other hats are unacceptable. Hats and/or caps and/or sunglasses must be removed in the classrooms or offices. Specific clothing and hats determined by the District or school site to be gang-related or inappropriate apparel are not acceptable. Articles of sun-protective clothing, including, but not limited to, hats and sunglasses, may be used outdoors. Subject to these provisions, sun-protective clothing, headwear, other than caps or hats, will not be allowed at school. School sites may add other restrictions on the type of hats to be worn.
17. Frayed clothing is permissible so long as frays are stitched to prohibit further fraying.
18. Distressing is allowable. Holes on clothing must be patched from behind so that undergarments or bare skin are not exposed.
19. Clothes shall be worn as intended and be sufficient to conceal undergarments, which shall be worn and covered at all times.

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## CLOVIS UNIFIED SCHOOL DISTRICT

20. Clothing, jewelry, and personal items shall be free of writing, pictures, or any other insignia which are crude, vulgar, profane, or sexually suggestive; shall not bear drug, alcohol, or tobacco company advertising, promotions, or likenesses; shall not promote violence, illegal activity, or relate to gang affiliation or activity; and shall not advocate discrimination or harassment of race, religion, or sexual orientation.

21. Pro logos on school materials of any kind are not acceptable (binders, folders, backpacks, pens, pencils).

### B. Grooming

1. Hair shall be clean and neatly groomed.

2. Hair, beard, or mustache styles which disrupt the learning environment are not acceptable, e.g., unusual designs, colors, symbols, messages, mohawks, Faux-Hawks, or unusual razor cuts. Complete razor shaving of the head is allowed.

3. Bangs or other hairstyles must not obstruct nor interfere with vision.

4. For those courses where long hair may pose a safety risk, such as where mechanical equipment with moving parts are used or where there is an open flame, long hair must be in a protective head covering, such as a hair net or cap, or hair must be securely bound behind the head, consistent with rules established by the instructor.

5. Tattoos, permanent or temporary, must be covered at all times.

### C. Jewelry

Piercing jewelry is acceptable in the ears only. Piercing jewelry that is intended to alter the natural shape of the ear is prohibited. Other body piercing jewelry (e.g., that for piercings in the eyebrows, nose, lips, or tongue) is not acceptable. Jewelry, including piercing jewelry that disrupts the learning environment, is not allowed.

### D. Exemptions

1. Religious beliefs, bona fide medical reasons, or other good cause based on legal requirements, when verified, may be grounds for an exemption to a specific portion of Board Policy No. 5132.

2. A petition for an exemption from enforcement of a specified portion of Board Policy No. 5132 (see Exhibit No. 5132(1) – Petition for Waiver of Dress and Grooming Compliance) may be submitted to the Student Services and School Attendance office. An appeal of a denial of any exemption shall be submitted in writing to the Associate Superintendent of School Leadership within 30 calendar days of the denial.

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## CLOVIS UNIFIED SCHOOL DISTRICT

- a. In the event that an appeal does not raise allegations within the District's uniform complaint procedures (UCP) in Board Policy No. 1312.3, then, within 30 calendar days of receipt of the appeal, the Associate Superintendent of School Leadership or designee shall gather facts and make a written determination, which shall be provided to the complainant. Gathering of facts shall include but may not be limited to meeting with the complainant, if deemed appropriate to do so. Any decision of the Associate Superintendent of School Leadership shall be final.
- b. In the event that the allegations raised in the appeal are determined to fall within the District's UCP in Board Policy No. 1312.3, the District will use the District's UCP process to investigate and respond to the appeal rather than the above appeal process. Consistent with law and Board Policy and Administrative Regulation No. 1312.3, any appeal of that decision may be appealed to the California Department of Education.

### E. School Uniform Policy

1. The decision to pursue a school uniform policy must be initiated by parents and approved by the school S.A.R.T. committee and the site principal.
2. A school uniform committee will develop a survey to be sent to all parents regarding their position on a school uniform policy by January 15 of the school year prior to the implementation of a school uniform policy. Prior to the distribution of the survey, the committee must sponsor at least one parent forum or meeting open to all parents for the purpose of information and input.
3. For a school site to further consider a school uniform, at least a majority of the surveys distributed must be returned and a majority of the surveys returned must support a uniform policy. These majorities are considered minimums and school sites have the discretion to establish more stringent standards of returns and support.
4. The Board must be notified by February 1 of the school year prior to the implementation of a school uniform policy.
5. The school site shall notify all parents or guardians no less than six months prior to the time the uniform policy is implemented.
6. Should a school adopt a uniform policy, resources shall be available to assist economically disadvantaged students and a procedure for parents/guardians to opt out of the policy shall be in place.

Adopted: 06/04/1975

Reviewed: 05/28/2008, 05/27/2009, 05/26/2010

Amended: 05/23/1984, 05/28/1986, 06/28/1989, 01/04/1978, 05/28/1980, 05/22/1985,  
06/08/1988, 07/08/1992, 06/25/1993, 01/26/1994, 06/08/1994, 05/24/1995,

## CLOVIS UNIFIED SCHOOL DISTRICT

03/27/1996, 03/17/1997, 06/18/1997, 01/28/1998, 01/09/2002, 06/26/2002,  
08/24/2005, 06/14/2006, 05/23/2007, 03/08/2011, 06/12/2013, 01/15/2014,  
04/06/2016, 10/24/2017, 07/01/2019, 07/21/2021 (AR 2105 renumbered as AR  
5132), 01/12/2022

Doc# 46564-7 (01/2022, 05/2019)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****STUDENTS****Health and Welfare****STUDENT SUICIDE PREVENTION**

**PURPOSE:** To establish guidelines and set expectations related to student suicide prevention, intervention, and postvention.

The Board recognizes that suicide is a leading cause of death among youth and should be taken seriously. To attempt to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop procedures relating to prevention, intervention, and postvention that specifically address the needs of high-risk groups, including but not limited to the following:

1. Youth bereaved by suicide.
2. Youth with disabilities, mental illness, or substance abuse disorders.
3. Lesbian, gay, bisexual, transgender, or questioning youth.
4. Youth experiencing homelessness or in out-of-home settings, such as foster care.
5. Youth with a history of suicide ideation or attempts.
6. Youth who have suffered traumatic experiences.

The Superintendent or designee shall develop a plan that addresses procedures in suicide prevention, intervention and postvention. School and community stakeholders, school-employed mental health professionals, and suicide prevention experts will be involved in planning, developing, implementing, and evaluating the District's procedures for suicide prevention, intervention, and postvention.

**Staff Training**

The Superintendent or designee shall develop staff training in suicide awareness and prevention. Suicide prevention training for staff shall be designed to help staff identify and respond to students at risk of suicide. The training shall be offered under the direction of a District counselor/psychologist and/or in cooperation with one or more community mental health agencies.

Suicide prevention training shall be provided to teachers, counselors, and other District employees who interact with students in kindergarten through twelfth grade. The training materials shall include how to identify appropriate mental health services (both at the school site and within the larger community) and when and how to refer youth and their families to those services. The Board shall ensure that measures and strategies for students in grades kindergarten through sixth grade are age appropriate and delivered and discussed in a manner that is sensitive



**CLOVIS UNIFIED  
SCHOOL DISTRICT**

to the needs of young students. (Education Code section 215). These training materials may include training programs that can be completed through self-review of suitable suicide prevention materials. No District employee will be trained to act outside his/her authorization and scope of his/her credential or license. District employees will not diagnose or treat mental illness unless the employee is specifically licensed and employed to do so.

The Board shall review, and update as necessary, this policy at least every five years.

The Superintendent or designee shall post this policy on the District's website in a prominent location and in a manner that is easily accessible to parents/guardians and students.

Adopted: 06/28/2017

Amended: 07/15/2020, 11/18/2020 (BP 2410 renumbered as BP 5141.52)

**EDUCATION CODE**

215-216 Student Suicide Prevention Policies

215.5 Suicide prevention hotline contact information on student identification cards

216 Suicide prevention online training program

234.6 Posting suicide prevention policy on website

32280-32289.5 Comprehensive safety plan

49060-49079 Student records

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

**GOVERNMENT CODE**

810-996.6 Government Claims Act

**PENAL CODE**

11164-11174.3 Child Abuse and Neglect Reporting Act

**WELFARE AND INSTITUTIONS CODE**

5698 Emotionally disturbed youth; legislative intent

5850-5883 Mental Health Services Act

**COURT DECISIONS**

Corales v. Bennett (Ontario-Montclair School District) (2009) 567 F.3d 554

Doc# 43421-10 (10/2020, 12/2018)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****STUDENTS****Rights and Responsibilities****STUDENT DISCIPLINE**

**PURPOSE:** To establish rules and procedures regarding the discipline of students attending schools within the District.

**A. General**

1. The Education Code provides for the methods of disciplinary action which may be utilized when corrective action is necessary due to the misconduct of students. Types of discipline provided for in the Education Code include suspension, court ordered exclusion, expulsion, and involuntary transfer to a continuation school.
2. The Board views the above measures as major consequences that should be used only when other means of discipline have failed to bring about the desired student behavior and/or the offense committed by the student is such that strong measures are required. Other means of correction may include, but are not limited to: counseling, parent conferences, program changes, restriction of the student's participation in school sponsored activities, School Attendance Review Board, referral to a supervised resource classroom, community service, an Alternative Educational Program, Saturday school, and assignment to detention.
3. The Board intends to promote harmonious human relationships that enable students to gain a true understanding of the rights and duties of people in our society. To further this intent, each District school is responsible for creating a safe school environment conducive to student learning. A safe school environment mitigates against anxiety-producing or demeaning incidents taking place within the confines of the school.
4. A safe school environment is free of hate-motivated behavior. Hate-motivated behavior includes any act of hate violence as defined in Education Code section 233(e). Acts of hate-motivated behavior constitute a disruptive influence in the community and on a school campus. Acts of hate-motivated behavior include not only criminal acts, but also non-criminal acts such as: (a) posting or circulating demeaning jokes, leaflets or caricatures; (b) defacing, removing or destroying posted materials, announcements, or memorials, and the like; (c) distributing or posting hate-group literature and/or posters, (d) using bigoted insults, taunts or slurs, and (e) possession of hate-group literature, caricatures, and the like. Students who engage in hate motivated acts shall be immediately suspended and recommended for consideration for further discipline, up to and including expulsion an involuntary transfer.
5. A safe school environment is free of sexual harassment as defined in Education Code section 212.5. Acts of sexual harassment may be sufficiently severe or pervasive as to create an intimidating, hostile, or offensive educational environment and have a negative impact upon the victim's academic performance. Students who engage in sexual harassment shall be

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

immediately suspended and recommended for consideration for further discipline, up to and including expulsion and involuntary transfer.

6. A safe school environment is free of gang related conduct or activity. Gang related conduct or activity includes, but is not necessarily limited to, symbols, graffiti, apparel, colors, hazing/initiations, intimidation, hand signals or verbal language and sounds commonly associated with gangs and inciting other students to act with physical violence upon any other person.

Students who engage in a gang related activity shall be immediately suspended and recommended for consideration for further discipline, up to and including expulsion and involuntary transfer.

7. Title 5, section 300 of the California Code of Regulations specifies that students will conform to the regulations of the school, obey promptly all the directions of their teachers and others in authority, and observe good order and proper deportment.

Education Code section 48900(k) provides authority to suspend certain students who disrupt school activities or otherwise willfully defy the valid authority of supervisors, teachers, administrators, or other school personnel. The Board defines defiance and disruption to include, but not be limited to, the following:

- a. Verbally abusing a supervisor, teacher, administrator, or other school personnel.
- b. Engaging in disruptive behavior on the campus, in the classroom, at a student body activity, on a school bus, at a school bus stop, or at a club or other school supervised activity.
- c. Engaging in gambling.
- d. Engaging in hazing, or malicious defamation of other students or of District employees.
- e. Engaging in immoral behavior, including, but not limited to, possession or possession with intent to sell, pornographic materials.
- f. Leaving school without permission of school authority during the school day or entering a restricted area on campus.
- g. Violating any governmental statute, ordinance, and/or regulation.
- h. Committing an act in violation of the District's dress code, closed campus or any other District board policies, administrative regulations, and/or school rules.
- i. Engaging in hate-motivated behavior.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

- j. Engaging in a gang-related activity, or emulating gang-related activity.
  - k. Provoking, challenging, or engaging in unlawful fighting.
  - l. Using a cell phone or other electronic device in an unauthorized manner or at an unauthorized time during the school day, while riding on a school bus, or at any time while students are under the supervision of District employees, unless essential to the health of the student. If an electronic device causes a disruption, it may be confiscated by a District employee.
  - m. Intentionally falsifying or misrepresenting material information provided to a District employee or on District records or altering, defacing or destroying District records without proper authorization.
  - n. Engaging in any form of communication that is obscene, libelous, or slanderous.
8. The Board recognizes that each student's case is an individual matter requiring close scrutiny to assure that as a matter of fact the student committed the alleged offense(s), and that appropriate disciplinary measures are implemented. Additionally, in all instances involving expulsion, findings of fact shall be presented to the Board with documented data to support such findings.

**B. Intent of the Board**

- 1. The Board intends that students with disabilities qualified under Section 504 of the Rehabilitation Act of 1973 (29 U.S. Code section 705, et seq.) be subject to the same rules, regulations, and discipline procedures established for other students attending a District school, when it is established that the misconduct was not a manifestation of the student's disability as determined in accordance with applicable law.
- 2. The Board intends that students enrolled in special education programs pursuant to the Individuals with Disabilities Education Act, 20 U.S. Code et seq. section 1400, and Education Code section 56000 et seq. be subject to the same rules, regulations, and discipline procedures established for other students attending District schools when it is established that the misconduct was not a manifestation of the student's disability as determined in accordance with applicable law. All the procedural safeguards established by state and federal law, and District policies and regulations shall be observed in considering the suspension or expulsion of special education students.
- 3. The Board intends that the school principal or designee will administer and recommend discipline for students who violate District policy; this includes the immediate suspension and recommendation for consideration for further discipline, up to and including expulsion and involuntary transfer, for students who violate the District's Zero Tolerance Policy or for which such actions are mandated by state or federal statutes.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

4. The Board intends that all students will be afforded statutory due process rights in all matters pertaining to suspension expulsion, involuntary transfer, and other discipline.
  - a. The Board directs that all expulsion hearings be conducted in the manner prescribed by law, ensuring that student due process rights are properly protected.
  - b. Before an expulsion hearing has commenced, the Board or its designee may issue subpoenas at the request of the Superintendent or designee or the student for the personal appearance of percipient witnesses at the hearing. All subpoenas shall be issued in accordance with Code of Civil Procedure sections 1985, 1985.1, and 1985.2. Enforcement of subpoenas shall be done in accordance with Government Code section 11455.20.
  - c. After an expulsion hearing has commenced, the District Expulsion Hearing Panel may issue the subpoenas.
5. The Director of Student Services and School Attendance, Assistant Director of Student Services and School Attendance, and the Student Services and School Attendance Consultants are designees of the Superintendent for purposes of student discipline.
6. The District Expulsion Hearing Panel shall be comprised of a Chairperson, who shall be the Director of Student Services and School Attendance, and three additional members, who may be: one school psychologist, plus two qualified persons serving or previously serving as a District administrator. All members of the Expulsion Hearing Panel, including the Chairperson, shall be certificated persons who are not employed at the site of attendance. The District shall determine the members of the District Expulsion Hearing Panel.
7. The Board authorizes the Superintendent's designees to act on the Superintendent's behalf when a student who has been referred for consideration for expulsion for a violation other than one requiring a mandatory expulsion:
  - a. Does not contest the information stated in the charges and/or stipulates to having committed the expellable violation,
  - b. Requests a waiver of due process hearing rights,
  - c. Requests permission to attend an alternative education program provided by the District pursuant to a prescribed rehabilitation plan, and
  - d. Commits to successfully complete the prescribed rehabilitation plan to suspend further actions in the matter and authorize the student to participate in such plan.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

8. The Board directs the Superintendent's designees to prepare the necessary information and recommend to the Expulsion Hearing Panel that the student be expelled from the District when a student has been referred for consideration for expulsion for misconduct when the facts are in dispute, or alternatives to expulsion are not deemed appropriate.
9. The Expulsion Hearing Panel will hear the recommendations of the Superintendent's designee and issue findings of facts and determinations for review by the Board. The hearing will be conducted pursuant to the due process rights set forth in Education Code section 48900 et seq.
10. The Chairperson of the Expulsion Hearing Panel will report all findings of fact and determinations made by the Hearing Panel to the Board with a recommendation for Board action. Such recommendations will be presented pursuant to the Education Code and this policy.
11. The Board will receive recommendations for expulsion from the Chairperson of the District Expulsion Hearing Panel, who shall present findings of fact to support such recommendations. The recommendation shall include information verifying that all hearings conducted by the District Expulsion Hearing Panel were conducted in compliance with the Education Code and in accordance with board policy and administrative regulations.
12. The Board recognizes its responsibility to expel a student upon finding the student has committed one of the mandatory expulsion offenses.
13. The Board recognizes that upon expelling a student, the student must be referred to a program of study that meets the statutory criteria set forth in the Education Code.
14. Duration of the Expulsion

An expulsion order shall remain in effect until the Board orders the readmission of a student. When expulsion of a student is ordered for an act other than those described in mandatory expulsions, the Board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the student shall be reviewed for readmission to a school maintained by the District or the school the student last attended.

- a. A student expelled for a mandatory expulsion offense must be reviewed for readmission to a school maintained by the District within one year from the date the expulsion occurred. The Board may set an earlier date for readmission on a case-by-case basis.
- b. The Board shall apply the criteria for suspending the enforcement of an expulsion order equally to all students, including individuals with exceptional needs as defined in Education Code section 56026.
- c. The Board may revoke the suspension of an expulsion order if the student commits any of the acts enumerated in Education Code section 48900, violates any of the District's

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

policies, rules, and administrative regulations governing student conduct, or fails to comply with any of the requirements in the student's suspended expulsion agreement or rehabilitation plan.

- d. When the Board revokes the suspension of an expulsion order, a student may be expelled under the terms of the original expulsion order without the necessity of a formal hearing.

**C. Board Directions**

1. The Board directs the Superintendent to adopt an administrative regulation governing the administration of student discipline in the District. Such regulation must comply with state and federal statutes pertaining to student discipline, including suspension and expulsion.
2. The Board directs the Superintendent or designees to ensure District staff implements student disciplinary actions in compliance with this policy and laws of the State of California.
3. The Board direct that students and the parents(s) and/or guardian(s) of all students registered to attend schools operated by the District be notified at the beginning of each year of the availability of rules of the District pertaining to student discipline.

Additionally, the principal or designee of each school shall take steps to ensure that all rules pertaining to the discipline of students are communicated to continuing students at the beginning of each school year and to transfer students at the time of their enrollment in the school.

**D. Corporal Punishment**

No person employed by or engaged in a school of the District shall inflict, or cause to be inflicted, corporal punishment upon a student.

For purposes of this policy, corporal punishment means the willful infliction of, or willfully causing the infliction of, physical pain on a student. An amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to a person or persons or damage to property for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the student is not and shall not be construed to be corporal punishment. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student or by participation in a required physical education class is not and shall not be construed to be corporal punishment.

Adopted: 07/23/1975

Amended: 01/04/1978, 02/08/1978, 10/11/1978, 10/26/1985, 05/27/1987, 03/15/1989,  
10/09/1991, 06/08/1992, 06/09/1993, 06/18/1997, 09/26/2001, 01/08/2003,  
08/23/2006, 07/08/2009, 01/14/2015, 11/18/2020 (BP 2102 renumbered as BP 5144;

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## CLOVIS UNIFIED SCHOOL DISTRICT

moved all contents of BP 2103)

### EDUCATION CODE

200-262.4 Prohibition of discrimination

35145 Public meetings

48202 Severance of attendance regulations

48413 Enrollment in continuation classes

48432.5 Involuntary transfer of students

48900 Grounds for suspension or expulsion

48927 State specific schools

48900.2 Additional grounds for suspension or expulsion

48900.3 Hate violence

48915-21 Expulsion; particular circumstances

48923 Decision of county board

51512 Prohibition against electronic listening or recording device in classroom without permission

### BUSINESS & PROFESSIONS CODE

25608 Public schoolhouses or grounds; penalties

### PENAL CODE

240 "Assault" defined

242 "Battery" defined

647 Use of camera to invade person's privacy

### HEALTH & SAFETY CODE

11364.7 Drug paraphernalia; penalties and punishment

### CODE OF CIVIL PROCEDURE

1985 Subpoena defined

1985.1 Agreement to appear at time other than specified in subpoena

1985.2 Subpoenas; civil trials

### GOVERNMENT CODE

11455.20 Order to show cause

### CODE OF REGULATIONS, TITLE 5

300 Duties of students

Doc# 43393-10 (10/2020, 12/2018)



## CLOVIS UNIFIED SCHOOL DISTRICT

### STUDENTS

#### Rights and Responsibilities

### STUDENT DISCIPLINE

The California Education Code specifies the types of disciplinary action, which may be imposed by school districts and the methods by which such disciplinary actions will be implemented.

The Board has directed the Superintendent to ensure District staff implements student disciplinary actions in compliance with Board Policy No. 5144 and appropriate statutes of the State of California. This administrative regulation contains the following:

- I Definitions of Terms Used in Matters of Student Discipline
- II Suspension, Authority to Suspend, Limitations
- III Mandatory Notifications, Law Enforcement, Parent, and Teacher
- IV Record of Student Suspension, Mandatory Interim Discipline Record
- V Jurisdiction for Discipline
- VI Prescribed Student Conduct
- VII Suspension Procedures
- VIII Involuntary Transfer to Continuation School
- IX Suspension with Recommendation for Consideration for Expulsion
- X Expulsion Procedures
- XI Student Discipline – Section 504 Students
- XII Student Discipline – Special Education Students Under IDEA

#### **I. Definitions of Terms Used in Matters of Student Discipline**

- A. “Counseling” is a discussion between a school staff member and a student regarding the student’s misconduct. Counseling may result in assignment of the student to serve detention or perform a limited number of hours of community service.
- B. “Detention” may require a student to report to a specified location, generally a classroom supervised by a credentialed staff member, during the student’s recess period or lunch period for all but adequate time to use the restroom and get a drink or eat lunch, as appropriate, or for one hour after the end of the school day. The student is required to do class work during the time spent under staff supervision. (5 CCR 307, 352, 353; Education Code 44807.5)
- C. “School probation” is a limitation placed on a student’s participation in school-sponsored activities, both during school and non-school hours.

Students who are enrolled and attending a District school and who maintain proper attendance, proper academic achievement, and proper behavior are entitled to participate in all school-sponsored activities.

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## CLOVIS UNIFIED SCHOOL DISTRICT

“School-sponsored activities include activities that are open to the general public and those activities restricted to students in good standing in their school of attendance.

Students who have committed a violation for which the appropriate disciplinary action is suspension with a recommendation for consideration for expulsion, or for an involuntarily transfer to a continuation school, are not in good standing. Students not in good standing are not authorized to attend any school-sponsored activity during the duration of their assignment to and attendance in a continuation school or alternative school.

- D. “Community Service” means those activities a student may be required to perform that are determined to be a benefit to the school. Community service must be performed on campus, or off campus with parental permission, during non - school hours, and includes graffiti removal, removing trash from the school grounds, and other such activities. Community service may be assigned in lieu of other disciplinary actions. (Education Code 48900.6)
- E. “Supervised Classroom” is a designated alternative for a student who is eligible for suspension from school for any of the reasons enumerated in Education Code section 48900 et seq. The student may be assigned, by the principal or designee, to a supervised classroom in lieu of suspension from school attendance, provided the student poses no imminent danger or threat to the campus, students, or staff, or if an action to expel the student has not been initiated. The student is responsible for contacting his/her teacher to receive regular classroom assignments and tests. (Education Code 48911.1)
- F. “Saturday School” is a supervised classroom maintained on Saturday.
1. Students may be authorized to attend Saturday school in lieu of suspension from school to make up class work or unexcused absences. (Education Code 48264; Board Policy No. 6176)
  2. Students who are truant from school may be involuntarily assigned to attend Saturday School to make up the days missed. (Education Code section 48264.5; Board Policy No. 6176)
- G. “Suspension” means removal of a student from ongoing instruction for adjustment purposes. (Education Code 48925)

However, suspension does not mean:

1. Reassignment to another educational program or class at the same school where the student will receive continuing instruction for the minimum day applicable to such student.
2. Referral of the student to a certificated employee designated by the principal or designee to advise students.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

3. Removal from a class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code section 48910. Removal from a particular class shall not occur more than once every five consecutive school days.
  4. Releasing the student to the custody of the parent for a portion of a school day.
  5. Behavior management techniques called for in an IEP of a student with disabilities.
  6. Reassignment within the requirements of an IEP for a student with disabilities.
- H. “Expulsion” means removal of a student from attendance in current school of attendance and referral to a program of study that meets all of the following conditions: (Education Code 48915)
1. Is appropriately prepared to accommodate students who exhibit discipline problems.
  2. Is not provided at a comprehensive middle, junior or senior high school, or at any elementary school.
  3. Is not housed at the school site attended by the student at the time of suspension.
- Expulsion does not mean involuntary transfer pursuant to Education Code section 48432.5.
- I. “Day” means a calendar day unless otherwise specifically provided.
- J. “School day” means a day upon which the schools of the District are in session (including during summer school) or weekdays during the summer recess.
- K. “Student” includes a student’s parent or guardian or legal counsel.
- L. “Principal” means the identified chief administrator of the student’s school of attendance.
- M. “Principal’s designee” is any one or more administrators at the school site specifically designated by the principal, in writing, to assist with student disciplinary procedures. If there is not an administrator in addition to the principal at the school site, a certificated person at the school site may be specifically designated by the principal, in writing, as the “principal’s designee” to assist with disciplinary procedures. The principal may designate only one such person at a time as the principal’s primary designee for one school year.
- N. “Superintendent’s designee” is any one or more District staff designated by the Board to assist with expulsion and other student discipline matters.
- O. “District” means the Clovis Unified School District.

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## CLOVIS UNIFIED SCHOOL DISTRICT

- P. “Governing Board” means the Governing Board of the District.
- Q. “Parent” means a student’s parent or legal guardian.
- R. “School property” includes, but is not limited to, electronic files and databases. (Education Code 48900)
- S. “Firearm” means any device designed to be used as a weapon from which a projectile is expelled through a barrel by the force of any explosion or other form of combustion.

### **II. Suspension, Authority to Suspend, Limitations**

- A. A teacher may suspend any student from the teacher’s class for any of the acts listed in Education Code section 48900 for the day of the suspension and the day following. (Education Code 48910)
1. A referral of a student by a teacher to a counselor or the principal’s designee for misconduct does not constitute a suspension from class.
  2. When a teacher elects to suspend a student from class, the teacher must comply with due process procedures, including parent notifications and meetings. (See VII. Suspension Procedures.)
  3. The teacher shall immediately report the suspension to the principal or designee and send the student to the principal or designee for appropriate action.
  4. A student suspended from a class shall not be placed in another regular class during the period of suspension. However, if the student is assigned to more than one class per day, this subsection shall apply only to other regular classes scheduled at the same time as the class from which the student was suspended.
- B. The Board, Superintendent or designee, principal or designee may suspend a student from school attendance for any of the acts listed in Education Code section 48900 or Education Code section 48900.2, 48900.3, 48900.4, or 48900.7. Any suspension of a student from school attendance must comply with appropriate due process procedures. See VII. Suspension Procedures. (Education Code 48911, 48912)
1. Such suspension may be for no more than five consecutive school days.
  2. A student may not be suspended from school attendance for a total of more than 20 school days in any school year, unless for purposes of adjustment a student enrolls or is transferred to another regular school, an opportunity school, or continuation school or class, in which case, suspension shall not exceed 30 school days in any school year.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

3. The Board may suspend a student who is attending a continuation school or class for no longer than the remainder of a semester. Such suspension must comply with appropriate due process procedures.
4. The Superintendent or designee may extend the suspension of a student, pending an administrative expulsion hearing.

**III. Mandatory Notifications, Law Enforcement, Parent, and Teacher**

- A. The principal or designee shall notify the appropriate law enforcement agency prior to the suspension of any student for any act of the student which may be in violation of Penal Code section 245. (Education Code 48902(a)) Penal Code section 245 pertains to assault with a deadly weapon, a firearm, an instrument other than a firearm, or by any means of force likely to produce great bodily injury.
- B. The principal or designee shall notify the appropriate law enforcement agency, within one school day after suspension for any acts of the student, which may be in violation of Education Code section 48900(c) or (d). (Education Code section 48902(b).) The principal or designee or any other person reporting a known or suspected act described in Education Code section 48902(a) or (b) is not civilly or criminally liable as a result of making any report authorized by Education Code sections 48900 - 48927 unless it can be proven that a false report was made and that the person knew the report was false or the report was made with reckless disregard for the truth or falsity of the report. (Education Code 48902(d))
- C. The principal or designee shall notify the appropriate law enforcement agency within one school day after suspension for any acts of the student which involve possession or sale of narcotics or of a controlled substance or a violation of Penal Code section 626.9 or 616.10. Law enforcement should be notified immediately, rather than waiting until after the fact. (Education Code section 48902(c)) Penal Code sections 626.9 and 626.10 pertain to possession of any firearm, dirk, dagger, locking bladed knife with a blade 2½ inches or greater in length, or razor, or any knife with a blade of 2½ inches or greater. Such items must be confiscated and retained in custody until released to law enforcement personnel.
- D. A report must be made to a law enforcement agency of any attack, assault on, or menacing of any school employee by a student. (Education Code 44014)
- E. A report must be made to a law enforcement agency when there is a directly communicated threat by a student or any person to inflict unlawful injury upon the person or property of a District employee to keep the employee from fulfilling any official duty. (Education Code 44014, Penal Code 71)
- F. When a principal or other school official releases a student to a peace officer who is going to remove the minor student from the school premises, the principal or school official shall take immediate steps to notify the parent or responsible party of the student.

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## CLOVIS UNIFIED SCHOOL DISTRICT

1. Such notice will include the fact the student has been released to the officer and the location where the student is reportedly being transported.
  2. However, when a student is placed in protective custody as a victim of suspected child abuse, the protective services social worker or police officer will make the required notifications.
- G. The principal or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected to have engaged in, any acts described in Education Code section 48900 (except for Education Code section 48900(h) - possession or use of tobacco products) or Education Code section 48900.2, 48900.3, 48900.4, or 48900.7. (Education Code 49079)
- A District employee who knowingly fails to provide information about a student who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in these Education Code sections is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months or by a fine not to exceed \$1000, or both.
- H. Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.
- I. A principal or designee or any other person reporting a known or suspected act described in Education Code section 48902(a) is not civilly or criminally liable as a result of making such a report unless it can be proven that a false report was made and that the person knew the report was false or the report was made with reckless disregard for the truth or falsity of the report. (Education Code 48902(d))

### **IV. Record of Student Suspensions, Mandatory Interim Discipline Record**

When a principal or designee determines a student is in violation of Education Code section 48900, an entry will be made on the student's mandatory interim discipline record. Such record will be maintained in the student's mandatory interim record (cumulative folder) for three years. The mandatory interim student discipline record, or a copy thereof, will be forwarded to the new school of attendance with other mandatory interim records when the student transfers to another school.

Teachers of the student and designated supervisory staff will have a right to review the student's mandatory interim discipline record.

### **V. Jurisdiction for Discipline**

A student may not be suspended or expelled for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent or principal or occurring within any other school district.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

A student may be suspended or expelled for acts which are enumerated in Education Code sections 48900, 48900.3, 48900.4, and 48900.7 and are related to school activity or attendance that occur at any time, including but not limited to, any of the following: (Education Code 48900)

- A. While on school grounds or the grounds of another school district.
- B. While going to or coming from school.
- C. During the lunch period, whether on or off campus.
- D. During, or while going to or coming from, a school-sponsored activity or under the supervision of District staff.

**VI. Prescribed Student Conduct**

The Legislature intends that alternatives to suspensions or expulsion be imposed against any student who is truant, tardy, or otherwise absent from school activities. (Education Code 48900) A student may not be suspended from school or recommended for expulsion unless the Superintendent or designee or the principal or designee in which the student is enrolled determines that the student has:

1. 48900(a)(1): Caused, attempted to cause, or threatened to cause physical injury to another person.
2. 48900(a)(2): Willfully used force or violence upon the person of another, except in self-defense.
3. 48900(b): Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or designee. "Dangerous objects" include, but are not limited to, B.B. and pellet guns, air rifles, air soft guns, pepper spray, razors, brass knuckles, fist packs, nunchaku, and any other object likely to cause injury to a person or property that has no reasonable use at school.
4. 48900(c): Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance listed in Chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
5. 48900(d): Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.

6. 48900(e): Committed or attempted to commit robbery or extortion.
7. 48900(f): Caused or attempted to cause damage to school property or private property.
8. 48900(g): Stolen or attempted to steal school property or private property.
9. 48900(h): Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a student of his or her own prescription products.
10. 48900(i): Committed an obscene act or engaged in habitual profanity or vulgarity.
11. 48900(j): Unlawfully possessed, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code section 11014.5.
12. 48900(k): Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties as specified. Defiant and disruptive student behavior includes, but is not limited to, the examples listed in Board Policy No. 5144. Any suspension or expulsion for the acts enumerated under Education Code section 48900(k) is subject to the provisions in Education Code section 48900(k)(2) – (4).
13. 48900(l): Knowingly received stolen school property or private property.
14. 48900(m): Possessed an imitation firearm. As used in this section, “imitation firearm” means a replica or a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
15. 48900(n): Committed or attempted to commit a sexual assault as defined in Penal Code section 261, 266c, 286, 287, 288, or 289 or former Education Code section 288a or committed a sexual battery as defined in Penal Code section 243.4.
16. 48900(o): Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both.
17. 48900(p): Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
18. 48900(q): Engaged in, or attempted to engage in, hazing.



**CLOVIS UNIFIED  
SCHOOL DISTRICT**

19. 48900(r): Engaged in an act of bullying, including, but not limited to, communications made in writing or by means of an electronic act.
20. 48900(t): A student who aids or abets, as defined in Penal Code section 31, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a student who has been adjudged by a juvenile court to have committed, as an abider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to Education Code section 48900(a).
21. 48900.2: Engaged in sexual harassment as defined in Education Code section 212.5.
22. 48900.3: Caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in Education Code section 233(e).
23. 48900.4: Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of the student or group of students by creating an intimidating or hostile educational environment.
24. 48900.7: Made terroristic threats against school officials or school property, or both.

**VII. Suspension Procedures****A. Suspension by a Teacher (Education Code 48910)**

1. A teacher may suspend a student from class for the day of the suspension and the day following or may also refer a student to the principal or designee for consideration of suspension from school for any of the acts listed in Education Code section 48900.
2. When a teacher suspends a student, the teacher will immediately report the suspension to the principal or designee and send the student to the principal or designee for appropriate action.
3. The principal or designee may assign the student to a supervised classroom during the term of the suspension. The principal or designee may not assign the student to another regular classroom during the period the student is suspended from class.
4. As soon as possible, the teacher shall ask the student's parent or guardian to attend a parent-teacher conference regarding the suspension. A school counselor or school psychologist may attend the conference if practical, and a school administrator shall attend, if the parent or guardian or the teacher so requests.

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## CLOVIS UNIFIED SCHOOL DISTRICT

5. A teacher who suspends a student for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying the valid authority of the teacher or other school personnel may require the parent or guardian to attend a portion of a school day in his or her child's classroom. The attendance of the parent or guardian shall be limited to the class from which the student was suspended.
  - a. The teacher shall apply this policy uniformly to all students within the classroom.
  - b. If a teacher requests a parent to attend school pursuant to this section, the principal or designee shall send a written notice to the parent or guardian stating that attendance by the parent or guardian is pursuant to law. The notice may specify that the parent's or guardian's attendance be on the day in which the student is scheduled to return to class or within a reasonable period of time thereafter.
  - c. The teacher shall contact parents or guardians who do not respond to the request to attend school.
  - d. The teacher shall attempt to ascertain the reason for not attending and shall take into account reasonable factors that may prevent compliance.
  - e. The parents or guardians who attend school for the purpose of this policy shall meet with the school administrator or designee after completing the classroom visitation and before leaving the school site.
  - f. This policy shall apply only to a parent or guardian who is actually living with the student.

### B. Suspension by Superintendent or Designee, or Principal or Designee.

1. Investigation. When an incident occurs that may lead to a suspension, the principal or designee shall investigate the nature of the alleged offense. This investigation shall include a discussion with the student to ensure that the student has the opportunity to be heard. A student's willingness or unwillingness to participate in the investigation may be factored into consideration for future discipline. (Education Code 48911(b))
2. Informal Conference. The principal or designee or Superintendent or designee shall hold an informal conference with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal or designee. The informal conference will take place before a suspension by the principal or designee or Superintendent or designee. The student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required by Education Code section 48900.5, and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

The principal or designee or the Superintendent or designee may suspend a student without affording the student an opportunity for a conference if it is determined that an emergency situation exists. An “emergency situation” means a situation determined by the principal or designee or Superintendent or designee to constitute a clear and present danger to the life, safety, or health of students or school personnel. If a student is suspended without a conference prior to suspension, both the parent/guardian and the student shall be notified of the student’s right to a conference and the student’s right to a conference and to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives this right or is physically unable to attend for any reason, including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the student is physically able to return to school for the conference.

3. If the principal or designee, upon completion of the incident investigation, determines that the student violated Education Code section 48900(a), (b), (c), (d), (e), or (n), or that the student’s presence causes a danger to persons, the principal or designee may suspend the student on the first violation without further administrative determination. (Education Code 48900.5)

Pursuant to Board Policy No. 5144.10, the principal or designee will suspend and refer the student for consideration of expulsion upon a determination that the student violated Education Code section 48900 (a), (b), (c), (d), or (e).

4. If the principal or designee, upon completion of the incident investigation, determines that:
  - a. The student violated Education Code section 48900(f), (g), (h), (i), (j), (k), (l), (m), (o), (p), (q), (r) or (t) or Education Code section 48900.2, 48900.3, 48900.4, or 48900.7; and
  - b. The student’s presence at school causes a danger to persons or property, or the student’s presence threatens to disrupt the instructional process,

Then the principal or designee may suspend the student on the first violation. (Education Code 48900.5)

If the principal or designee, upon completion of the incident investigation, determines that:

- a. The student violated Education Code section 48900(f), (g), (h), (i), (j), (k), (l), (m), (o), (p), (q) (r) or (t); and
- b. The student’s presence at school does not cause a danger to persons or property, or the student’s presence does not threaten to disrupt the instructional process,

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## CLOVIS UNIFIED SCHOOL DISTRICT

Then the principal or designee may not suspend the student on the first violation and shall impose other means of correction. (Education Code 48900.5)

The principal or designee may suspend the student on the second violation, provided the principal or designee determines “other means of correction have failed to bring about proper conduct.”

5. Students suspended during the school day shall either be released to the parent or assigned to the resource classroom for the balance of that school day.
6. The Superintendent or designee, principal or designee may immediately suspend and remove a student whose conduct disrupts the academic atmosphere of the school, endangers the student, other students, school employees, or property.

Except in cases of disruption where circumstances make it vital that one or several students be removed from school property immediately, no student shall be released from school during the school day without notifying the parent or responsible adult either in person or by telephone. In any case, every effort shall be made to notify the parent or responsible party before removal occurs.

7. At the time of the suspension, a school employee shall make a reasonable effort to contact the parent or guardian of the student by telephone or in person. (Education Code section 48911 (d))
8. Written notice of the suspension shall be mailed to the parent or guardian of the suspended student. Such notice shall be in the primary language of the parent or guardian. (Education Code 48911) School administrators will utilize email and in person delivery to expedite the notification process.

The principal or designee may request that the parent attend an informal conference with the principal or designee regarding the student’s behavior. The notice shall state that state law requires the parent or guardian to respond to such request without delay.

When a parent is requested to be present for an informal conference regarding the student’s behavior, no penalties may be imposed upon the student for the failure of the parents to attend the informal conference. Nor, may the reinstatement of the student to school be contingent on the attendance by the student’s parent or guardian at the informal conference.

An informal conference, if necessary, should be held at the time and date specified or at a time agreeable to the parent and the principal or designee. Such informal conference, which is not a judicial proceeding must provide at a minimum:

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## CLOVIS UNIFIED SCHOOL DISTRICT

- a. A statement of the allegations against the student upon which the informal conference is conducted.
- b. Statements by the student and others in defense of the allegations and/or in explanation of his or her conduct.

The principal or designee is not required to permit the presence of legal counsel or follow any prescribed judicial rules in conducting the hearing.

If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

9. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Board or Superintendent. (Education Code 48911(e).)

(Education Code 48911, 48915)

### **VIII. Involuntary Transfer to Continuation School**

- A. When conditions exist that may lead to an involuntary transfer to continuation school, the principal or designee shall investigate the situation. This investigation will include a discussion with the student so that the student may be heard.
- B. A decision to transfer a student involuntarily to a continuation school shall be based on finding that the student committed an act enumerated in Education Code section 48900 or has been habitually truant or irregular in attendance from instruction upon which the student is lawfully required to attend. (Education Code 48432.5)

Involuntary transfer shall be imposed only when other means fail to bring about student improvement; provided that the student may be transferred the first time he or she commits an act enumerated in Education Code section 48900 if the principal or designee determines that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.

- C. If the principal or designee determines that grounds for an involuntary transfer exist, the principal or designee shall proceed in the following manner:
  1. If warranted, implement suspension procedures.

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## CLOVIS UNIFIED SCHOOL DISTRICT

2. Within one school day of the decision to recommend involuntary transfer to continuation by the principal or designee, written notice shall be provided to the student and parent or guardian of the proposed transfer and informing them of the reasons for the recommendation and the opportunity to request a meeting with the designee of the Superintendent prior to the transfer. (Education Code 48432.5)
- D. When a parent/guardian has been provided notice of a transfer as set forth herein and requests a meeting with a designee of the Superintendent prior to the transfer, the Superintendent's designee will meet with the student and the student's parents/guardians. During the meeting all available information, including specific facts and reasons for the proposed transfer, shall be reviewed with the student and the student's parent or guardian and the student provided the opportunity to inspect the documents relied upon, question any evidence and witnesses presented, and present evidence on the student's behalf. (Education Code 48432.5)
1. If the Superintendent's designee determines that an involuntary transfer is not in order, the student will be returned immediately to the student's regular high school program or to a program mutually agreed upon during the conference.
  2. If the Superintendent's designee determines that an involuntary transfer to continuation is in order, the student will be assigned to the continuation school. None of the persons involved in making the final decision may be on the staff of the school in which the student is currently enrolled.
    - a. The decision to transfer shall be in writing stating the fact and reason for the transfer.
    - b. The written decision will include the duration of involuntary transfer, the conditions required to return to the regular program and date of eligibility to return to regular program.

If the parent/guardian disagrees with the decision to involuntarily transfer the student to continuation school, the parent/guardian may request the Director of Student Services and School Attendance (Director) to review the decision and any supporting documentation. The Director may reverse or otherwise modify the involuntary transfer placement. The Director's decision shall be final.
  3. No involuntary transfer to a continuation school shall extend beyond the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred. The Superintendent or designee shall review an involuntary transfer annually at the request of the student.
  4. Transfers from the continuation school to the comprehensive high school shall be initiated prior to the completion of a semester, effective at the start of the following

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## CLOVIS UNIFIED SCHOOL DISTRICT

semester, upon a request of the student or the parents/guardians of the student.  
(Education Code 48432.5)

### **IX. Suspension with Recommendation for Consideration for Expulsion**

A. Board Policy No. 5144.10 declares that the District schools will not tolerate sexual assault, sexual battery, battery, possession of a firearm, possession of a knife, possession of a dangerous object, possession of explosive devices, sale of controlled substances, possession of controlled substances, vandalism, repeated mutual combat, robbery or extortion, participation in gang motivated intimidation, hate-motivated behavior constituting a statutory violation, assault on or threats to school staff, and terroristic threats.

Any student who engages in one or more of the following shall be immediately suspended by the principal or designee and recommended that the student be considered for expulsion from the District and/or for involuntary transfer:

1. Commits or attempts to commit a sexual assault or commits a sexual battery.
2. Found in possession of, sells or furnishes a firearm.
3. Brandishes a knife at another person.
4. Found in possession of an explosive.
5. Unlawfully sells a controlled substance. (Education Code section 48915(c))

Any student who engages in one or more of the following shall be immediately suspended by the principal or designee and recommended for consideration for expulsion from the District and/or for involuntary transfer, unless the principal or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

1. Causes serious physical injury to another person, except in self-defense.
2. Possesses any knife or other dangerous object of no reasonable use to the pupil.
3. Possesses any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except as otherwise provided.
4. Commits robbery or extortion.
5. Commits assault or battery, as defined, upon any school employee. (Education Code section 48915(a))

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## CLOVIS UNIFIED SCHOOL DISTRICT

Any student who engages in one or more of the following, or other offenses listed in Education Code section 48900, et seq., may be immediately suspended by the principal or designee and may be recommended for consideration for expulsion from the District and/or for involuntary transfer:

1. Commits a battery.
  2. Found in possession of a dangerous object.
  3. Found under the influence of a controlled substance and/or alcohol and/or any other form of intoxicant.
  4. Commits an act of vandalism with property damage.
  5. Participates repeatedly in mutual combat.
  6. Participates in robbery or extortion.
  7. Participates in gang motivated intimidation.
  8. Participates in hate motivated behavior constituting a statutory violation.
  9. Makes a terroristic threat.
- B. Education Code section 48915 designates student violations for which the principal or designee shall suspend and shall refer a student for expulsion.
1. Student violations for which the principal or designee shall suspend and shall refer a student for expulsion are as follows:
    - a. Possessing, selling, or otherwise furnishing a firearm. This does not apply to an act of possessing a firearm if the student had obtained prior written permission to possess the firearm from a certificated District employee, which is concurred in by the principal or designee. This applies to the act of possessing a firearm only if a District employee verifies the possession. This constitutes a violation of Education Code section 48900(b), possession of a weapon, firearm.
    - b. Brandishing a knife at another person. This constitutes a violation of Education Code section 48900(a) and (b), threat to commit an injury to another person and possession of a weapon, knife.
    - c. Unlawfully selling a controlled substance listed in Chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code. This constitutes a



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## CLOVIS UNIFIED SCHOOL DISTRICT

violation of Education Code section 48900(c), possession of a controlled substance, possession of a controlled substance for sale, and selling a controlled substance.

- d. Committed or attempting to commit a sexual assault as defined in Education Code section 48900(n) or committing a sexual battery as defined in Education Code section 48900(n). This constitutes a violation of Education Code section 48900(n), sexual assault or battery.
  - e. Possession of an explosive. This constitutes a violation of Education Code section 48900(b), possession of a dangerous object.
2. The principal or designee or the Superintendent or designee shall recommend the expulsion of a student for any of the following acts committed at school or at a school activity off school grounds, unless the principal or designee or Superintendent or designee finds that expulsion is inappropriate, due to the particular circumstances or that an alternative means of correction would address the conduct. (Education Code 48915(a(1)))
- a. Causing serious physical injury to another person, except in self-defense. This constitutes a violation of Education Code section 48900(a), caused a serious physical injury.
  - b. Possession of any knife, or other dangerous object of no reasonable use to the student. This constitutes a violation of Education Code section 48900(b), possession of identified dangerous object.
  - c. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis and except for the possession of over-the-counter medication for use by the student for medical purposes or medication prescribed for the student by a physician. This constitutes a violation of Education Code section 48900(c), identified controlled substance.
  - d. Robbery or extortion. This constitutes a violation of Education Code section 48900(e).
  - e. Assault or battery, as defined in Penal Code sections 240 and 242, upon any District employee. This constitutes a violation of Education Code section 48900(a).
3. The principal or designee or the Superintendent or designee may suspend and recommend a student for consideration for expulsion, upon finding, the student committed an act listed in Education Code section 48900(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (o), (p), (q), (r) or (t) or Education Code section 48900.2, 48900.3, 48900.4 or 48900.7, other than those listed in IX B.1. and IX B.2. of this administrative regulation.

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## CLOVIS UNIFIED SCHOOL DISTRICT

### X. Expulsion Procedures

When an incident occurs or conditions exist that may lead to an expulsion, the principal or designee shall investigate the nature of the alleged incident or conditions. This investigation shall include a discussion with the student, if available, so that the student is given an opportunity to be heard with respect to the matter.

A. Suspension and Recommendation for Consideration for Expulsion. If the principal or designee determines that grounds for an expulsion exist, the principal or designee shall proceed in the following manner:

1. Suspend the student from school in accordance with the procedures in section VII – Suspension Procedures above.
2. Provide a written recommendation to the Superintendent’s designee containing the offenses committed and a statement of the incident.

B. Referral for Further Disposition. Upon suspending a student and recommending the student be considered for expulsion, the principal or designee shall refer the matter to the Superintendent’s designee for further disposition.

1. Superintendent’s designee proceeds in the following manner:
  - a. Within five school days of the commencement of a student’s suspension, the student and parents/guardians must be given an opportunity to meet with the Superintendent’s designee. Such meeting, which is not a judicial proceeding, must provide the parents/guardians and student with the opportunity to present any additional data relevant to the recommendation and/or mitigation or explanation of the student’s conduct.
  - b. The suspension may be extended pending an expulsion hearing only if the Superintendent’s designee has determined, following a meeting to which the student and the student’s parent/guardian are invited to participate, that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. If no danger to persons or property or a threat of disrupting the instruction process exists, the student must be allowed to return to school following the suspension, pending the expulsion.
  - c. If a student or the student’s parent/guardian has requested a meeting to discuss the original suspension, the Superintendent’s designee may determine at that meeting whether to extend the expulsion.

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## CLOVIS UNIFIED SCHOOL DISTRICT

- d. If the Superintendent's designee determines that grounds for expulsion do not exist, the designee will:
  - (1) Authorize reinstatement of the student in the regular program or authorize the student to enroll in another educational program upon a request by the student and the student's parents/guardians, and
  - (2) Direct that the alleged offense be expunged from the student's mandatory interim discipline file.

### C. Timelines for Hearing

1. The student shall be entitled to a hearing to determine whether he or she should be expelled. An expulsion hearing shall be held within 30 school days after the date the principal or designee or the Superintendent or designee determines that the student has committed an offense warranting expulsion, unless the student requests, in writing, that the hearing be postponed. The student shall be entitled to at least one postponement for a period of not more than 30 calendar days of an expulsion hearing. Thereafter, any additional postponement may be granted at the Board's discretion.
2. If it is impracticable for the Board to comply with the time requirements for conducting an expulsion hearing under this section, the Superintendent or designee may, for good cause, extend the time period for commencing the expulsion hearing for an additional five school days. Reasons for the extension of the time for the hearing shall be included as part of the record at the time the expulsion hearing is conducted. Upon the commencement of the hearing, all matters shall be pursued and conducted with reasonable diligence and shall be concluded without any unnecessary delay.
3. If the 30 school-day period within which to hold an expulsion hearing extends into a summer recess of Board meetings of more than two weeks, the days during the summer recess period shall not be counted as school days toward the 30 school-day time limit. The school days not counted during a summer recess of the Board shall not exceed 20 school days, as defined in Education Code section 48925(c), and unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of school for the school year. (Education Code 48918(a))

### D. Written Notice of Hearing

Written notice of the hearing shall be forwarded to the student at least 10 calendar days prior to the date of the hearing. The notice shall include:

1. The date and place of the hearing.

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## CLOVIS UNIFIED SCHOOL DISTRICT

2. A statement of the specific facts and charges upon which the proposed expulsion is based.
3. A copy of the disciplinary rules of the District that relate to the alleged violation.
4. Notice of the parent's/guardians or student's obligation to notify a subsequent school district of the student's expulsion status pursuant to Education Code section 48915.1(b).
5. Notice of the opportunity for the student or the student's parent/guardian to appear in person or employ and be represented by counsel or by a non-attorney adviser, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the student's behalf, including witnesses.

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

### E. Student's Right to Waive Hearing

The student and the student's parent/guardian shall be afforded the opportunity, at their discretion, to waive any and all of the student's due process rights relative to an expulsion recommendation, including, but not limited to, the right to a hearing to determine whether the student committed the offense(s) with which s/he has been charged. If the student and/or the student's parent/guardian requests a waiver of any of the student's rights, the consequences of such a waiver shall be thoroughly explained to them by the District prior to entering into a waiver agreement.

### F. Administrative Expulsion Hearing Panel

1. Composition of the Administrative Expulsion Hearing Panel: The Administrative Expulsion Hearing Panel shall consist of three certificated persons, none of whom is employed at the school at which the student is enrolled. The panel will be chaired by the Director of Student Services and School Attendance or designee. (Education Code 48918(d).)

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## CLOVIS UNIFIED SCHOOL DISTRICT

2. The Administrative Expulsion Hearing Panel will be convened by the Panel Chairperson, who will ensure the administrative hearing is conducted pursuant to due process guidelines.
3. The Chairperson will inform the parents/guardians and the student of the findings of fact and the Administrative Panel's determinations and the student's rehabilitation plan after the Panel's deliberations are completed.
4. The Chairperson will prepare the Panel's findings of fact and determinations and the student's rehabilitation plan for presentation to the Board for action by the Board.
5. In lieu of the Administrative Expulsion Hearing Panel conducting an expulsion hearing, the Board, a county hearing officer, or an Administrative Law Judge from the California Office of Administrative Hearings may conduct the hearing. The hearing shall be conducted in accordance with all of the procedures established under this administrative regulation.

### G. Hearing in Closed Session

The Administrative Expulsion Hearing Panel shall conduct a hearing to consider the expulsion of a student in a session closed to the public, unless the student requests, in writing, at least five days prior to the date of the hearing, that the hearing be conducted at a public meeting. Regardless of whether the expulsion hearing is conducted in a closed or public session, the Administrative Expulsion Hearing Panel may meet in closed session for the purpose of deliberating and determining whether the student should be expelled.

### H. Evidence at the Hearing

1. Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.
2. No evidence to expel shall be based solely upon hearsay evidence; however, the Administrative Expulsion Hearing Panel may, upon a finding that good cause exists, determine that the disclosure of either the identity of a witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the Administrative Expulsion Hearing Panel. Copies of these sworn declarations, which are edited in such a manner as to delete the name and identity of the witness, shall be made available to the student.
3. If the student, parent/guardian, or representative of the student fails to object at the hearing that these rules are not being properly followed or that any other law or requirement of due process is not being followed, the objections shall be deemed waived.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

4. Any testimony provided by a student witness in an expulsion hearing conducted is expressly deemed to be a communication protected by Civil Code section 47(b).

**I. Subpoena Power**

1. Before the hearing has commenced, the Board may issue subpoenas at the request of either the Superintendent or designee or the student, for the personal appearance of percipient witnesses at the hearing. After the hearing has commenced, the Board, the Chairperson, or the Administrative Expulsion Hearing Panel may, upon request of either the county superintendent of schools, the Superintendent's designee, or the student, issue subpoenas. All subpoenas shall be issued in accordance with Code of Civil Procedures sections 1985, 1985.1, and 1985.2. Enforcement of subpoenas shall be done in accordance with Government Code section 11455.20.
2. Any objection raised by the Superintendent or designee or the student to the issuance of subpoenas may be considered by the Administrative Expulsion Hearing Panel in closed session, or in open session, if so requested by the student before the meeting. Any decision by the Administrative Expulsion Hearing Panel in response to an objection to the issuance of subpoenas shall be final and binding.
3. If the Administrative Expulsion Hearing Panel determines that a percipient witness would be subject to an unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration. (Education Code section 48918(f), (i)(3))
4. Service of process shall be extended to all parts of the State and shall be served in accordance with Code of Civil Procedure section 1987. All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the State or any political subdivision thereof, shall receive fees. All witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed for witnesses in civil actions in a superior court. Fees and mileage shall be paid by the party at whose request the witness is subpoenaed.

**J. Record of the Hearing**

A record of the hearing shall be made. The record may be maintained by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.

**K. Recommendation by Administrative Expulsion Hearing Panel**

1. Within three school days after the hearing, the Administrative Expulsion Hearing Panel shall determine whether to recommend the expulsion of the student to the Board.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

2. If the Administrative Expulsion Hearing Panel decides not to recommend expulsion, the expulsion proceedings shall be terminated and the student immediately shall be reinstated and permitted to return to a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs. Placement in one or more of these programs shall be made by the Superintendent's designee after consultation with District personnel, including the student's teachers and parent(s). The decision not to recommend expulsion shall be final.
3. If the Administrative Expulsion Hearing Panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing.
4. The Board shall make its decision about a student's expulsion within 40 school days after the date the principal or designee or the Superintendent or designee determined that the student committed the act listed in Education Code section 48900 for which the recommendation for expulsion is made by the principal or designee or the Superintendent or designee, unless the student requests in writing that the decision be postponed.
5. The decision to expel a student shall be based upon the substantial evidence, relevant to the charges and showing that the student committed any of the acts enumerated above, adduced at the expulsion hearing or hearings.
6. The parents/guardians may appear before the Board to appeal the expulsion recommendation, provided notice is received from the parents/guardians by the Director of Student Services and Student Attendance no later than 11:00 a.m. on the Friday preceding the date the Board is scheduled to consider the expulsion.
7. If the Board accepts the recommendation of the Administrative Expulsion Hearing Panel calling for expulsion, acceptance shall be based either upon a review of the findings of fact and recommendations submitted by the Administrative Expulsion Hearing Panel or upon the results of any supplementary hearing conducted pursuant to this section that the Board may order.

**L. Rehabilitation Plan**

The Board shall recommend or adopt the Administrative Expulsion Hearing Panel's recommended plan of rehabilitation for the student at the time of the expulsion order, which may include, but not be limited to, periodic review of the student's progress and a requirement that the student attend and participate in the actual review for readmission. The plan may also include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs. The Board may require a student who is expelled for reasons relating to controlled substances (as defined in Health and Safety Code sections 11054 to 11058, inclusive), or alcohol, to enroll in a county-supported drug rehabilitation program prior to returning to

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## CLOVIS UNIFIED SCHOOL DISTRICT

school. No student shall be required to enroll in a drug rehabilitation program without parent/guardian consent. (Education Code 48916(b), 48916.5)

### M. Suspension of Expulsion

1. The Administrative Expulsion Hearing Panel or the Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the student to a school, class, or program that is deemed appropriate for the rehabilitation of the student. The criteria for suspending the enforcement of an expulsion order shall apply equally to all students. The rehabilitation program to which the student is assigned may provide for the involvement of the student's parent/guardian in his or her child's education in ways that are specified in the rehabilitation program. A parent's/guardian's refusal to participate in the rehabilitation program shall not be considered in the determination as to whether the student has satisfactorily completed the rehabilitation program. During the period of the suspension of the expulsion order, the student shall be deemed to be on probationary status. (Education Code 48917)
2. The Board may revoke the suspension of an expulsion order under this section if the student commits any of the acts for which a student may be suspended or expelled under this administrative regulation or violates any of the District's rules and regulations governing student conduct. When the Board revokes the suspension of an expulsion order, the student may be expelled under the terms of the original expulsion order without an additional hearing before the Board or an Administrative Expulsion Hearing Panel.
3. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a school of the District and may also order that any or all records of the expulsion proceedings be expunged.
4. A decision to suspend an expulsion order does not affect the time period and requirements for the filing of an appeal of the expulsion order with the county board of education. Any appeal shall be filed within 30 days of the original vote for expulsion.

### N. Final Action in Public Session

Whether an expulsion hearing is conducted by the Board, a hearing officer, or the Administrative Expulsion Hearing Panel, the Board's final action to expel a student shall be taken in a public session.

### O. Written Notice of Expulsion Decision

Written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation shall be sent by the Superintendent or designee to the student and shall be accompanied by:



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## CLOVIS UNIFIED SCHOOL DISTRICT

1. Notice of the right to appeal the expulsion to the county board of education.
2. Notice of the educational alternative placement to be provided to the student during the time of expulsion.
3. Notice of the parent, guardian, or student's obligation under Education Code section 48915.1(b), upon the student's enrollment in a new school district, to inform that district of the expulsion.
4. A description of the procedure for requesting readmission.

### P. Record of Expulsion

The Board shall maintain a record of each expulsion, including the cause therefor. Records of expulsion shall be a nonprivileged, disclosable public record. The expulsion order and the cause(s) therefor shall be recorded in the student's mandatory interim record and shall be forwarded to any school in which the student subsequently enrolls upon receipt of a request from the admitting school for the student's school records.

### Q. Special Procedures for Cases of Sexual Assault or Battery

1. In a hearing in which a student is alleged to have committed or attempt to commit a sexual assault or to have committed a sexual battery, prior to a complaining witness testifying, support person(s) shall be admonished that the hearing is confidential.
2. A complaining witness shall have the right to have his or her testimony heard in a closed session if the hearing is open to the public when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
3. At the time the expulsion hearing is recommended, the complaining witness shall be provided with a copy of the applicable disciplinary rules and advised of his or her right to:
  - a. Receive five days' notice of his or her scheduled testimony at the hearing.
  - b. Have up to two adult support persons of his or her choosing present at the hearing at the time he or she testifies.
  - c. Have the hearing closed during the time he or she testifies.
4. The expulsion hearing may be postponed for one school day to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

5. The District shall provide a nonthreatening environment for a complaining witness to better enable him or her to speak freely and accurately of the experiences that are the subject of the expulsion hearing and to prevent discouragement of complaints. The District shall provide a room separate from the hearing room for the use of the complaining witness prior to and during breaks in testimony. In the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he or she may leave the hearing room. The person conducting the hearing may arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness. The person conducting the hearing may limit the time for taking the testimony of a complaining witness to the hours he or she is normally in school, if there is no good cause to take the testimony during other hours. The person conducting the hearing may permit one of the complaining witness' support persons to accompany him or her to the witness stand.
6. Evidence of specific instances of a complaining witness's prior sexual conduct is to be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances exist requiring the evidence be heard. Before such a determination is made, the complaining witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of such evidence, the complaining witness shall be entitled to be represented by a parent, guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.
7. Complaining witnesses and accused students will be advised immediately after any allegation is made of conduct violating Education Code section 48900(n) to refrain from personal or telephonic contact, or electronic communication with each other during the pendency of any expulsion process.

(Education Code 48918, 48918.5)

**R. Educational Program Requirements for Expelled Students**

1. At the time an expulsion is ordered, the District shall ensure that an educational program is provided to the expelled student for the period of the expulsion.
2. To provide the educational program required by this subsection, the Board shall refer the student to a program of study that meets all of the following conditions:
  - a. Is appropriately prepared to accommodate students who exhibit discipline problems.
  - b. Is not provided at a comprehensive middle or high school, or at any elementary school.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

- c. Is not housed at the school site attended by the student at the time of suspension.
  - d. Notwithstanding this subsection, with respect to a student expelled for a violation of Education Code section 48900(f) through (t), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive high school and that the only option for placement is at another comprehensive high school, the student may be referred to a program of study that is provided at a comprehensive high school.
3. Notwithstanding the above, a student expelled for any of the offenses listed above in IX.B.1. or IX.B.2. shall not be permitted to enroll in any other school or school district during the period of expulsion, unless it is a county community school pursuant to Education Code section 1981(c), a juvenile court school as described in Education Code section 48645.1, or a community day school pursuant to Article 3 (commencing with Education Code section 48660) of Chapter 4 of Part 27.
  4. The District may offer the student who is subject to the expulsion order independent study to satisfy the requirements of Education Code section 48915(d). The parent/guardian and the student shall provide the written consent for placement in independent study. The District or the county superintendent of schools shall notify the expelled student of the option of classroom instruction pursuant to Education Code section 51747(c)(7).
  5. The program provided pursuant to this section is the only program required to be provided to expelled students as determined by the Board.

(Education Code 48915(d), (f); 48915.2; 48916.1)

**S. Readmission After Expulsion**

1. **Duration of Expulsion:** An expulsion order shall remain in effect until the Board orders the readmission of a student. At the time an expulsion of a student is ordered for an act other than those described in IX.B.1., the Board shall set a date not later than the last day of the semester following the semester in which the expulsion occurred, when the student shall be reviewed for readmission to a school maintained by the District or to the school the student last attended. For a student who has been expelled pursuant to IX.B.1., the Board shall set a date of one year from the date the expulsion occurred when the student shall be reviewed for readmission to a school maintained by the District, except that the Board may set an earlier date for review for readmission on a case-by-case basis.
2. **Procedure for Readmission**
  - a. On or before the date established by the Board when the student will be reviewed for readmission, the student shall submit written documentation in support of readmission to the Superintendent's designee. The student should describe his/her compliance with

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## CLOVIS UNIFIED SCHOOL DISTRICT

- the rehabilitation plan recommended at the time of the expulsion order. Failure to submit documentation and/or to cooperate in the review of readmission may be deemed grounds for denial or readmission.
- b. The Superintendent's designee will review the written documentation in support of readmission and the accompanying information, and may request additional information as needed. The Superintendent's designee also may schedule a conference with the student and the student's parent/guardian to review the written documentation in support of readmission.
  - c. Within 10 school days of the request for readmission, the Superintendent's designee will determine whether the student should be readmitted. The Superintendent's designee will give the student and/or the student's parent/guardian written notice of the decision. If the Superintendent's designee readmits the student, the decision shall be final.
  - d. If the Superintendent's designee denies the student's readmission, the Superintendent's designee shall inform the student, in writing, of the decision, the reasons therefore, and of the student's right to appeal the decision to the Board. The Superintendent's designee shall also inform the student that an appeal must be in writing and must be submitted to the District office within two weeks of receipt of the decision.
  - e. The appeal will be heard at the next Board meeting following receipt of the appeal, unless the Board meeting is within three work days of receipt of the student's appeal. In such case, the appeal will be heard at the following Board meeting.
  - f. The Board will meet with the student, his or her parent/guardian, and the Superintendent or designee in closed session. The Board will review all written materials related to the denial of readmission. The student or the parent/guardian may explain why the student should be readmitted and the Superintendent or designee may explain why s/he denied readmission. The Board shall readmit the student unless the Board makes a finding that the student has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other students or employees of the District.
  - g. The Board shall make a decision no later than the meeting following the meeting at which the appeal was heard. The Board shall notify the student of its decision in writing no later than two weeks following this meeting. The Board's decision regarding readmission is final.
  - h. If the Board denies readmission, the Board shall determine whether to continue the placement of the student in the alternative educational program initially selected for the student during the period of the expulsion order or to place the student in another

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## CLOVIS UNIFIED SCHOOL DISTRICT

program that may include, but not be limited to, serving expelled students, including placement in a county community school.

- i. The Board shall provide written notice to the expelled student and the student's parent/guardian describing the reasons for denying the student's readmittance into the regular District program. The written notice shall also include the determination of the educational program for the expelled student pursuant to subparagraph (h) above. The expelled student shall enroll in that educational program unless the parent/guardian of the student elects to enroll the student in another school district.

(Education Code 48916)

### T. Appeal to the County Board of Education

1. Time for Appeal. If a student is expelled from school, the student or the student's parent/guardian may, within 30 days following the decision of the Board to expel, file an appeal to the county board of education which shall hold a hearing thereon and render its decision. The period within which an appeal is to be filed shall be determined from the date the Board votes to expel, even if enforcement of the expulsion is suspended and the student is placed on probation. A student who fails to appeal the original action of the Board within the prescribed time may not subsequently appeal a decision of the Board to revoke probation and impose the original order of expulsion.
2. Required Records. The student shall submit a written request for a copy of the written transcripts and supporting documents from the District simultaneously with the filing of the notice of appeal with the county board of education. The District shall provide the student with the transcriptions, supporting documents, and records within 10 school days following the student's written request. Upon receipt of the records, the student shall immediately file suitable copies of these records with the county board of education.

The student is responsible to submit a written transcription for review by the county board of education. The student shall bear the cost of the transcript, except in either of the following situations:

- a. Where the student's parent/guardian certifies to the District that s/he cannot reasonably afford the cost of the transcript because of limited income or exceptional necessary expenses, or both.
- b. In a case in which the county board of education reverses the Board's decision, of the Board, the county board of education shall require the Board to reimburse the student for the cost of the transcription.

(Education Code 48919-48924)

## CLOVIS UNIFIED SCHOOL DISTRICT

### XI. Student Discipline – Section 504 Students

The Board intends that students identified with disabilities under Section 504 of the Rehabilitation Act of 1973 (29 U.S. Code Section 705, et seq.) are subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this section. (34 C.F.R. 104.36) For purposes of this section, the term "students with disabilities" means students identified under Section 504 of the Rehabilitation Act of 1973 (29 U.S. Code Section 705, et seq.).

#### A. Suspension

The Superintendent or designee may suspend a student with a disability eligible under Section 504 for up to five consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, subject to the following provision related to change of placement, as described below.

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid Section 504 Plan has been suspended during the school year.

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances:

1. The removal is for more than 10 consecutive school days, which may only occur upon extension of a student's suspension pending expulsion.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year.
  - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
  - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's disciplinary removal for more than 10 school days in the same school year constitutes a change in placement, the student must be reevaluated and the Section 504 team must convene to consider the results of the reevaluation and conduct a manifestation determination as described in XI.B below.

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## CLOVIS UNIFIED SCHOOL DISTRICT

### B. Manifestation Determination

The following procedural safeguards shall apply when a student with a disability's disciplinary removal constitutes a change of placement due to a suspension for more than 10 consecutive school days, when a series of removals constitutes a pattern, or when a change of placement of a student is contemplated due to a recommendation for expulsion:

Manifestation Determination Review. No more than 10 school days after the date of the decision to change the student's placement is made, a manifestation determination review meeting shall be convened to consider the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

1. At the manifestation determination review, the District, the student's parent/guardian, and relevant members of the Section 504 team shall review all relevant information in the student's file, including the student's Section 504 Plan, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)
  - a. Caused by or had a direct and substantial relationship to the student's disability.
  - b. A direct result of the District's failure to implement the student's Section 504 Plan, in which case the District shall take immediate steps to remedy those deficiencies.
2. If the manifestation review team determines that either of the above conditions applies, the student's conduct shall be deemed to be a manifestation of his/her disability and the student shall be returned to the student's placement. (20 USC 1415(k)(1)(E); 34 CFR 300.530) If neither of the above conditions applies, then the District may discipline the student as it would a student without a disability.
3. In accordance with the provisions of Administrative Regulation No. 6164.6, a parent who disagrees with the determination of a manifestation review may appeal that decision by requesting an impartial Section 504 due process hearing.
4. Section 504 procedural safeguards, including the right to a manifestation determination, do not apply to a student who currently uses drugs and/or alcohol whose suspension resulted from the student's use and/or possession of drugs and/or alcohol.

### C. Readmission Following an Expulsion

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, a Section 504 team meeting may be convened to review and, as necessary, modify the student's Section 504

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## CLOVIS UNIFIED SCHOOL DISTRICT

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### D. Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076(b) citing 48902(e))

### E. Report to County Superintendent of Schools

The Superintendent or designee shall report to the county superintendent of schools when any student identified with a disability under Section 504 of the Rehabilitation Act of 1973 has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

## **XII. Student Discipline - Special Education Students Under the IDEA**

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Improvement Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this section. For purposes of this section, the term "students with disabilities" means students identified under IDEA.

### A. Suspension

The Superintendent or designee may suspend a student with a disability for up to five consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, subject to the following provision related to change of placement, as described below. (Education Code 48903; 34 CFR 300.530)

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)



**CLOVIS UNIFIED  
SCHOOL DISTRICT**

1. The removal is for more than 10 consecutive school days, which may only occur upon extension of a student's suspension pending expulsion.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year.
  - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
  - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's disciplinary removal is determined to be a change of placement as specified in items #1-2 above or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services to provide to the student for any days over the 10 school days. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the District to provide the student with transportation, the District shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (Education Code 48915.5)

**B. Interim Alternative Educational Placement Due to Dangerous Behavior**

The District may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930.
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V.
3. Inflicts serious bodily injury upon another person as defined in 18 USC 1365.

## CLOVIS UNIFIED SCHOOL DISTRICT

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

### C. Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a recommendation for expulsion:

1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)
2. Manifestation Determination Review: No more than 10 school days after the date of the decision to change the student's placement, a manifestation determination review shall be convened to consider the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the District, the student's parent/guardian, and relevant members of the IEP team shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the District's failure to implement the student's IEP, in which case the District shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

(20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

**D. Due Process Appeals**

If the parent/guardian disagrees with any District decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The District may request a hearing if the District believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. To request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the District shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

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## CLOVIS UNIFIED SCHOOL DISTRICT

If the student's parent/guardian or the District has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and District agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

### E. Readmission Following Expulsion

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting may be convened to review and, as necessary, modify the student's IEP.

### F. Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076(b) citing 48902(e))

### G. Report to County Superintendent of Schools

The Superintendent or designee shall report to the county superintendent of schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

### H. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the District's code of student conduct may nevertheless assert any of the protections under IDEA if the District had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534; 29 USC 794)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to District supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.

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## CLOVIS UNIFIED SCHOOL DISTRICT

2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.
3. The teacher of the student or other District personnel has expressed specific concerns directly to the District's director of special education or other supervisory District personnel about a pattern of behavior demonstrated by the student.

However, the District shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the District determined that he/she was not an individual with a disability.

When the District is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

Adopted: 07/23/1975

Amended: 09/08/1978, 10/11/1978, 10/26/1978, 04/22/1987, 05/27/1987, 04/12/1989,  
10/09/1991, 06/18/1997, 09/26/2001, 01/08/2003, 08/23/2006, 07/08/2009,  
08/19/2022 (AR 2102 renumbered as AR 5114)

Doc# 46078-9 (08/2022, 12/2018)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### STUDENTS

#### Rights and Responsibilities

#### **STUDENT DISCIPLINE – ZERO TOLERANCE**

**PURPOSE:** To provide a safe school environment for students and staff.

The Board noting legislative findings and safe school assessments finds and declares all of the following:

1. The violent activity by gangs is a serious and growing problem in the State of California, the County of Fresno, and the District.
2. There is an increasing percentage of school age students involved in gang activity.
3. There is evidence gang involvement among youth begins at an early age.
4. There is evidence drug activity is increasing among youth involved in gang activity and youth not involved in gang activity.
5. A safe school environment is free of intimidating, hostile, or offensive behaviors and of gang type activity.

The Board declares the schools of the District to have a Zero Tolerance Policy on sexual assault and sexual battery, battery, possession of a firearm, possession of a knife, possession of a dangerous object, possession of explosive devices, sale of controlled substances, possession of controlled substances, vandalism, repeated mutual combat, robbery or extortion, participation in gang motivated intimidation, hate motivated behavior constituting a statutory violation, assault on or threats to school staff, and terroristic threats.

In all discipline matters, the Board intends that all students will be afforded statutory due process rights pertaining to suspension, expulsion, involuntary transfer, and other discipline.

#### A. Mandatory Recommendation for Expulsion

Any student who engages in one or more of the following shall be immediately suspended by the principal or designee and recommended that the student be considered for expulsion from the District and/or for involuntary transfer:

1. Commits or attempts to commit a sexual assault or commits a sexual battery.
2. Found in possession of, sells, or furnishes a firearm.
3. Brandishes a knife at another person.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

4. Found in possession of an explosive.
5. Unlawfully sells a controlled substance. (Education Code section 48915(c))

**B. Mandatory Recommendation for Expulsion, Absent Particular Circumstances/Alternative Means**

Any student who engages in one or more of the following shall be immediately suspended by the principal or designee and recommended for consideration for expulsion from the District and/or for involuntary transfer, unless the principal's designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:

1. Causes serious physical injury to another person, except in self-defense.
2. Possesses any knife or other dangerous object of no reasonable use to the pupil.
3. Possesses any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except as otherwise provided.
4. Commits robbery or extortion.
5. Commits assault or battery, as defined, upon any school employee. (Education Code section 48915(a))

**C. Discretionary Recommendation for Expulsion**

Any student who engages in one or more of the following, or other offenses listed in Education Code section 48900, et seq., may be immediately suspended by the principal or designee and may be recommended for consideration for expulsion from the District and/or for involuntary transfer:

1. Commits a battery.
2. Found in possession of a dangerous object.
3. Found under the influence of a controlled substance and/or alcohol and/or any other form of intoxicant.
4. Commits an act of vandalism with property damage
5. Participates repeatedly in mutual combat.
6. Participates in robbery or extortion.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

7. Participates in gang motivated intimidation.
8. Participates in hate motivated behavior constituting a statutory violation.
9. Makes a terroristic threat.

Violations of this Zero Tolerance Policy will be recorded for each student on their mandatory interim record, as provided by law, including information on suspensions and expulsions. Such records could be removed upon graduation or by petition.

The Superintendent is directed to adopt an administrative regulation to implement the requirements of this policy. Such regulation will include procedures to publicize this policy and to ensure that all students shall have a signed copy of this policy in their mandatory interim record upon enrollment and at the beginning of each new school year.

Adopted: 06/08/1994

Reviewed: 10/10/2007

Amended: 07/06/1994, 09/26/2001, 09/28/2005, 07/08/2009, 11/16/2011, 01/15/2014,  
11/18/2020 (BP 2110 renumbered as BP 5144.10)

**EDUCATION CODE**

233 Hate Violence Prevention Act

35160-35160.1 Authority of governing boards

48900, et seq. Suspension or Expulsion

**HEALTH AND SAFETY CODE**

11014.5 Drug paraphernalia

11053-11058 California Uniform Controlled Substances Act

Doc# 43401-11 (11/2020, None)



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## CLOVIS UNIFIED SCHOOL DISTRICT

### STUDENTS

#### Rights and Responsibilities

#### **STUDENT DISCIPLINE – ZERO TOLERANCE**

For purposes of Board Policy No. 5144.10 and this administrative regulation, terms will be as defined in the Education Code, Penal Code, Health and Safety Code, and regulations of the State Fire Marshal where applicable. An object used in a threatening manner shall be considered a weapon even if its normal use is not as a weapon.

Violations of the Zero Tolerance Policy as set forth in Board Policy No. 5144.10 and this administrative regulation will be recorded for each student on their mandatory interim record, as provided by law, including information on suspensions and expulsions. Such records could be removed upon graduation or by petition.

In cases where a student violates a provision of the Penal Code or the Health and Safety Code or commits another offense referenced by Board Policy No. 5144.10, the student could be taken into custody and cited or taken to a juvenile detention facility or the county jail.

A copy of Board Policy No. 5144.10, this administrative regulation, and Exhibit No. 5144.10 shall be included in the Student and Parent Rights and Responsibilities Handbook (Handbook). The Handbook, along with the Notification - Zero Tolerance Policy, shall be included with the initial enrollment documents and with registration documents provided to families at the beginning of each school year. Parents/guardians shall indicate their receipt of the Notification – Zero Tolerance Policy and the Handbook by signing an acknowledgment of receipt. The acknowledgement may be signed electronically. Electronic signatures shall have the same force and effect as physically attaching a written signature.

Adopted: 09/28/2005

Reviewed: 10/10/2007

Amended: 07/08/2009, 01/15/2014, 05/24/2022 (AR 2110 renumbered as AR 5144.10),  
06/09/2022

Doc# 46106-7 (06/2022, None)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****STUDENTS****Rights and Responsibilities****STUDENT DISCIPLINE – ZERO TOLERANCE**

The Notification - Zero Tolerance Policy, as set forth on the following page, is provided to the student in the registration packet upon initial enrollment and with registration documents at the beginning of each school year. The Notification – Zero Tolerance Policy is included in the annual Student and Parent Rights and Responsibilities Handbook, which is available on the District's website: [www.cusd.com](http://www.cusd.com).

Adopted: 06/08/1994

Reviewed: 10/10/2007

Amended: 07/06/1994, 09/28/2005, 07/08/2009, 11/16/2011, 01/15/2014, 05/24/2022 (EXH 2110(1) renumbered as EXH 5144.10), 06/09/2022

Doc# 46107-7 (06/2022, None)



**EXHIBIT NO. 5144.10**  
**NOTIFICATION - ZERO TOLERANCE POLICY**

The Board of the Clovis Unified School District (District) has declared that the schools operated by the District have a Zero Tolerance Policy as set forth in Board Policy and Administrative Regulation No. 5144.10 applicable to:

- Sexual assault or sexual battery;
- Battery;
- Sale, possession, or furnishing of a firearm;
- Possession or brandishing of a knife;
- Possession of a dangerous object;
- Possession of an explosive or explosive device;
- Sale, possession or furnishing of a controlled substance, alcohol, and/or any other form of intoxicant;
- Being under the influence of a controlled substance, alcohol, and/or any other form of intoxicant;
- Vandalism with property damage;
- Repeated mutual combat;
- Robbery or extortion;
- Participation in gang motivated intimidation;
- Assault on or threats to school staff;
- Causing serious physical injury to another person, except in self-defense;
- Participation in hate motivated behavior constituting a statutory violation; and
- Terroristic threats.

Any student who is determined to be in violation of the Zero Tolerance Policy may be immediately suspended by the principal or designee and considered for expulsion from the District and/or involuntary transfer.

Violations of the Zero Tolerance Policy will be recorded for each student on their mandatory interim record, as provided by law, including information on suspensions and expulsions. Such records could be removed upon graduation or by petition.

For purposes of the Zero Tolerance Policy, terms will be as defined in the California Education Code, Penal Code, Health and Safety Code, and regulations of the State Fire Marshal where applicable. An object used in a threatening manner shall be considered a weapon even if its normal use is not as a weapon.

Where a student violates a provision of the Penal Code or the Health and Safety Code or commits another offense referenced by the Zero Tolerance Policy, the student could be taken into custody and cited or taken to a juvenile detention facility or the county jail.

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## CLOVIS UNIFIED SCHOOL DISTRICT

### STUDENTS

#### Rights and Responsibilities

#### **STUDENT SEARCH AND SEIZURE**

**PURPOSE:** To authorize the search of students and the personal property of students based upon a reasonable suspicion that the search will uncover evidence that he/she is violating the law, board policies, administrative regulations, or other rules of the District.

The Board is committed to providing the students of the District with a safe school environment conducive to learning. The Board authorizes District employees to conduct searches of any individual student, his/her property, or District property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, board policies, administrative regulations, or other rules of the District. The types of student property that may be searched by District employees include, but are not limited to, lockers, desks, purses, backpacks, student vehicles, cellular phones, or other electronic devices.

The Board expects District employees to exercise discretion and good judgment while conducting searches of students or the personal property of students. District employees shall articulate the circumstances which support the reasonable suspicion which warrants a search.

The Board desires student searches to be as non-intrusive as the circumstances dictate. Strip searches, body cavity searches, manually or with an instrument, or searches that require the removing or rearranging of any or all of a student's clothing to permit a visual inspection of the underclothing, breast, or genitalia of a student shall not be conducted by District employees.

The Board directs the Superintendent to adopt an administrative regulation controlling the searches of students, student lockers, and the personal property of students, including student automobiles, on school premises and related to school activities.

The Board directs the Superintendent or designee to provide students and their parents notice of this policy in the Parent and Student and Rights and Responsibilities Handbook at the beginning of each school year or at the time of enrollment, including the following information:

1. All lockers are the property of the District and the Board authorizes District employees to search all student lockers or conduct random searches of student lockers from time to time for disciplinary, health, or safety reasons. Students do not have a reasonable expectation of privacy with respect to the contents of the lockers.
2. Metal detectors may be used by District employees and District police officers to conduct searches for weapons of students and members of the public who are attending District-sponsored activities. Metal detectors may be used when reasonable suspicion exists or on a predetermined random basis.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

3. District employees may search a student's vehicle when the employee has reasonable suspicion the vehicle contains evidence of violation of law or District rule. If a vehicle, including a student vehicle, is on District property and the vehicle is parked in an area providing notice of Vehicle Code section 21113, it may be searched without suspicion or subject to other conditions.
4. District employees may search a student's cell phone or other electronic device, including, but not limited to, reviewing messages or viewing pictures, if there is reasonable suspicion he/she is violating the law, board policies, administrative regulations, or other rules of the District and provided the procedures are followed as outlined in the administrative regulation. District employees may hold onto a student's cell phone to prevent tampering during the investigation.
5. Video cameras may be used by District employees in public areas on District property or at school related activities. Video cameras shall not be used in areas in which persons have a reasonable expectation of privacy, including locker rooms or restrooms. Cameras shall not be placed in any classroom without consent of the teacher and principal, except as required by the District for purposes of distance learning as provided by law. Cameras shall not have audio recordings. The resulting videotapes may be used to establish the misconduct of students and others at school or school sponsored activities.
6. Non-aggressive trained canines may be used to sniff the air around lockers, desks, bags, vehicles, and other personal property of a student. Canines may not sniff students directly or items while in possession of student. Sniffing by trained canines may be done without reasonable suspicion and is deemed non-intrusive and reasonable.

The notification of a District employee, by the handler of a trained non-aggressive canine, that the canine has alerted on identified personal property constitutes reasonable suspicion which is sufficient to support a search of the student's personal property.

Adopted: 07/23/1975

Reviewed: 02/26/2007, 10/03/2008

Amended: 05/13/1992, 02/26/1997, 02/11/2004, 07/08/2009, 11/18/2020 (BP 2104 renumbered as BP 5145.12)

**EDUCATION CODE**

35160 Authority of governing boards

35160.1 Broad authority of school Districts

32280-32285 School safety plans

43503 Distance learning

48900 - 48901.5 Suspension and expulsion

49050 – 49051 Searches by school employees

49330-49334 Injurious objects

51512 Prohibited use of electronic listening or recording device

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

PENAL CODE

626.9 Firearms

626.10 Dirks, daggers, knives or razor

1546.1 Production of or access to electronic communication information

VEHICLE CODE

21113 Public Grounds

Doc# 43395-7 (10/2020, 11/2008)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### STUDENTS

#### Rights and Responsibilities

#### **STUDENT SEARCH AND SEIZURE**

The decision to conduct a search must be based on the facts in each individual case. School officials must avoid searches of students for arbitrary or punitive reasons. The decision to search must be based on surrounding circumstances, articulated facts, and background information.

School officials have a duty to ensure safe school environments for students. This primary duty would authorize a school official to conduct a search of a student or the student's personal property if there is reasonable suspicion to do so.

Any seized object(s) will be returned to the parent of the student when there has been no violation of law, board policy, administrative regulation or other rule of the District or the school. If confiscated items are not turned over to police officers as evidence of a crime or are not evidence in a discipline matter, or claimed by the parent of the student, they may be disposed of after June 30 of the school year during which they were confiscated.

#### A. Search Criterion/Reasonable Suspicion

The ruling of the United States Supreme Court in *New Jersey v. T. L. O.* (1985) 469 U. S. 339 established "reasonable suspicion" as the criterion for a school official to conduct a search of a student or the student's personal property. The standards established the following criterion:

1. Searches must be based on reasonable suspicion that the student is or has violated the law and/or a board policy, administrative regulation, or other rules of the District or the school.
2. The school official responsible for initiating and conducting the search must be able to clearly articulate the circumstances which cause him or her to believe the student violated the law and/or a board policy, administrative regulation, or other rules of the District or the school.
3. The information used as a basis for the search must be recent and credible and must connect the student to the suspected violation.
4. Searches must be reasonable in scope, considering the age and sex of the student and the nature of the infraction.

Among other lawful bases, establishing reasonable suspicion for a search may originate from one or more of the following sources if determined by a school official to be credible:

1. Referral by a teacher or other staff member who has observed suspicious student conduct.

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## CLOVIS UNIFIED SCHOOL DISTRICT

2. Students who report observing other students committing violations of the law and/or a board policy, administrative regulation, or other rules of the District or the school.
3. Any suspects who have identified a student in a criminal activity or a violation of the law and/or a board policy, administrative regulation, or other rules of the District or the school.
4. Any parents or community members who report information that a student is committing a violation of the law and/or a board policy, administrative regulation, or other rules of the District or the school.
5. Notification to a school official by the handler of a trained non-aggressive canine that the canine has alerted on identified personal property.
6. Any video or audio recording, photographs, or other images of student activities may constitute reasonable suspicion that the student is in violation the law and/or a board policy, administrative regulation, or other rules of the District or the school, warranting a search of the student and/or the student's personal property.

### B. Prohibited Searches

No school employee shall conduct a search that involves conducting a body cavity search of a student, manually or with an instrument, or a search that involves the removing or rearranging of any or all of a student's clothing to permit a visual inspection of the underclothing, breast, buttocks, or genitalia of a student. (Education Code 49050)

### C. Metal Detectors

Metal detectors may be used by school officials and District police officers to conduct searches for weapons on students and members of the public who are attending District sponsored activities. Metal detectors are to be used when reasonable suspicion exists or, on a predetermined random basis, which excludes individual prerogative as to who shall be searched.

### D. Student Vehicles

School officials may search a student's vehicle when the official has reasonable suspicion that the vehicle is improperly used for the storage of illegal drugs, weapons contraband, or any material which poses a hazard to the safety and good order of the schools. If a vehicle, including a student vehicle, is on school property and the vehicle is parked in a lot providing notice of Vehicle Code section 21113, it may be searched without suspicion or subject to other conditions. Indiscriminate searches of student vehicles not allowed by this administrative regulation are not authorized.



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## CLOVIS UNIFIED SCHOOL DISTRICT

### E. Student Cell Phones or Other Electronic Devices

School officials may search a student's cell phone or other electronic device, including but not limited to, reviewing messages or viewing pictures if there is reasonable suspicion he/she or another student is violating the law and/or a board policy, administrative regulation, or other rules of the District or the school, and the search of the student's cell phone or other electronic device is intended to uncover evidence of the suspected violation. The search of student cell phones or other electronic devices shall be governed by this administrative regulation, the reasonable suspicion standard, as well as procedures and instructions provided to District school site administrators which are consistent with the requirements of Penal Code section 1546 et seq. If necessary, the student's cell phone or other electronic device may be confiscated and returned at a time determined by a school official.

### F. District Video Cameras

Video cameras, including audio recordings, may be used by school officials in public and common areas on District property, on buses, and at school related activities subject to the limitations set forth in Board Policy No. 5145.12 – Student Search and Seizure. Videotaping public areas on the school campus does not constitute a search; however, the resulting videotapes may be used to establish the misconduct of students at school or school-sponsored activities. Videotaping may include digital recording and use of other electronic devices.

### G. Canine Drug Detection

In an effort to keep schools free of dangerous contraband, the District may use specially trained, nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law, District board policy or other rules of the District or the school. The dogs may sniff the air around lockers, desks, bags, vehicles, and other personal property of a student on District property or at District sponsored events. Canines may not sniff students directly or items while in possession of student. This sniffing by trained canines may be done without reasonable suspicion and is not classified as a search.

The Board has determined that when a trained non-aggressive canine alerts on the personal property of a student, such an alert constitutes reasonable suspicion that the student is in possession of any item or substance that violates the law and/or a board policy, administrative regulation, or other rules of the District or the school, and supports a search of the student's property and perhaps the student.

## **CLOVIS UNIFIED SCHOOL DISTRICT**

Adopted: 02/26/1997

Reviewed: 02/26/2007, 10/03/2008

Amended: 02/11/2004, 07/08/2009, 03/02/2011, 11/18/2021 (AR 2104 renumbered as AR  
5145.12)

Doc# 46592-6 (11/2021, 11/2008)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****STUDENTS****Rights and Responsibilities****RESPONSE TO IMMIGRATION ENFORCEMENT**

**PURPOSE:** To comply with law regarding assistance with immigration enforcement at public schools.

The Board is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

District staff shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members. (Education Code 234.7)

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the District's programs and activities on the basis of his/her immigration status. (Education Code 200, 220, 234.1)

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

Consistent with requirements of the California Office of the Attorney General, the Superintendent or designee shall develop procedures, according to state and federal law, for addressing any requests by a law enforcement officer for access to District records, school sites, or students for the purpose of immigration enforcement and any report that the Superintendent or designee is required to present to the Board.

Adopted: 11/18/2020

**EDUCATION CODE**

200 Educational equity

220 Prohibition of discrimination

234.1 Safe Place to Learn Act

234.7 Student protections relating to immigration and citizenship status

48204.4 Evidence of residency for school enrollment

48980 Parental notifications

48985 Notices to parents in language other than English

**GOVERNMENT CODE**

8310.3 California Religious Freedom Act

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

PENAL CODE

422.55 Definition of hate crime

627.1-627.6 Access to school premises, outsiders

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

Doc# 44106-7 (09/2020, 05/2018)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### STUDENTS

#### Rights and Responsibilities

### RESPONSE TO IMMIGRATION ENFORCEMENT

#### A. RESPONDING TO REQUESTS FOR INFORMATION

Unless authorized by the Family Educational Rights and Privacy Act pursuant to 20 USC 1232g, student information shall not be disclosed to immigration law enforcement authorities without parental consent, a court order, or judicial subpoena. The Superintendent or designee shall annually notify parents/guardians that the District will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena.

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, District staff shall:

1. Notify the Superintendent or designee about the information request.
2. Provide students and families with appropriate notice and a description of the immigration officer's request.
3. Document any request for information by immigration authorities.
4. Provide students and parents/guardians with any documents provided by the immigration enforcement officer, unless such disclosure is prohibited by a subpoena served on the district or in cases involving investigations of child abuse, neglect, or dependency.

Resources and data collected by the District shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination. (Government Code 8310.3)

#### B. RESPONDING TO REQUESTS FOR ACCESS TO STUDENTS OR SCHOOL GROUNDS

1. Notifying Superintendent or Designee: As early as possible, District personnel shall notify the Superintendent or designee of any request by an immigration enforcement officer for school or student access, or any requests for review of school documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.).
2. Interactions with Immigration Officer: In addition to notifying the Superintendent or designee, District personnel shall take the following action steps in response to an immigration officer present on the school campus specifically for immigration enforcement purposes:

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## CLOVIS UNIFIED SCHOOL DISTRICT

- a. Advise the officer that before proceeding with his or her request, and absent exigent circumstances, school personnel must first receive notification and direction from the Superintendent or designee.
- b. Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for and copy or note the phone number of the officer's supervisor.
- c. Ask the officer for his/her reason for being on school grounds and document it.
- d. Ask the officer to produce any documentation that authorizes school access.
- e. Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
- f. If the officer declares that exigent circumstances exist and demands immediate access to the campus, Staff should comply with the officer's orders and immediately contact the Superintendent.
- g. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the immigration-enforcement officer has:
  - *ICE (Immigrations and Customs Enforcement) Administrative Warrant*: District personnel shall inform the agent that he or she cannot consent to any request without first consulting with the District's legal counsel.
  - *Federal Judicial Warrant*: District personnel shall promptly comply with a search-and-seizure warrant or arrest warrant. If feasible, consult with the District's legal counsel before providing the agent access to the person or materials specified in the warrant.
  - *Subpoena for Production of Documents or Other Evidence*: District personnel are not required to immediately comply with a subpoena. Therefore, District personnel shall direct any individual attempting to serve a subpoena on the District to the office of the Associate Superintendent Administrative Services, who is designated to accept service on behalf of the District.
- h. While District personnel should not consent to access by an immigration enforcement officer, except as described above, he/she should not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, District personnel shall document his or her actions while on campus.
- i. After the encounter with the officer, District personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

- List or copy of the officer's credentials and contact information;
  - Identity all school personnel who communicated with the officer;
  - Details of the officer's request;
  - Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
  - Personnel's response to the officer's request;
  - Any further action taken by the agent; and
  - Photo or copy of any documents presented by the agent.
- j. District personnel shall provide a copy of those notes, and associated documents collected from the officer, to the District's legal counsel or other District designated personnel.
- k. In turn, the District's legal counsel or other designated District personnel shall submit a timely report to the District's governing board regarding the officer's requests and actions and the District's response(s).
- l. E-mail the Bureau of Children's Justice in the California Department of Justice, at BCJ@doj.ca.gov, regarding any attempt by a law enforcement officer to access a school site or a student for immigration-enforcement purposes.

**3. Parental Notification/Consent of Immigration Enforcement Actions**

District personnel shall immediately notify the student's parents or guardians if a law enforcement officer requests or gains access to a student for immigration enforcement purposes, unless such access was in compliance with a judicial warrant or court order that restricts the disclosure of the information to the parent/guardian.

District personnel must receive consent from the student's parent/guardian before a student can be interviewed or searched by any officer seeking to enforce the civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge, or presents a valid, effective court order.

**C. RESPONDING TO THE DETENTION OR DEPORTATION OF A STUDENT'S FAMILY MEMBER**

The Superintendent or designee shall encourage that families and students have and know their emergency phone numbers and know where to find important documentation, including birth certificates, passports, social security cards, doctors' contact information, medication lists, lists of allergies, etc., which will allow them to be prepared in the event that a family member is detained or deported.

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## CLOVIS UNIFIED SCHOOL DISTRICT

The Superintendent or designee shall permit students and families to update students' emergency contact information as needed throughout the school year and provide alternative contacts if no parent or guardian is available.

- a. The District shall ensure that families may include the information of an identified trusted adult guardian as a secondary emergency contact in case a student's parent or guardian is detained.
- b. The District shall communicate to families that information provided within the emergency cards will only be used in response to specified emergency situations, and not for any other purpose.

In the event a student's parent/guardian has been detained or deported by federal immigration authorities, the District shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, the District shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. The District shall only contact Child Protective Services if the District personnel are unsuccessful in arranging for the timely care of the child through the emergency contact information that the school has, a Caregiver's Authorization Affidavit, or other information or instructions conveyed by the parent or guardian.

Adopted: 12/17/2021 (provisions moved from AR 9301)

Doc# 54765-4 (12/2021, 05/2018)



**CLOVIS UNIFIED  
SCHOOL DISTRICT****STUDENTS****Rights and Responsibilities****NONDISCRIMINATION/HARASSMENT**

**PURPOSE:** To create a safe school and work environment for students of all backgrounds.

The District recognizes the diversity of its students. The Board directs the Superintendent or designee to create a school environment that provides a safe school environment for students of all backgrounds.

No student shall, on the basis of any of the grounds or actual or perceived characteristics identified in Education Code section 220, Penal Code section 422.55, or any other bases prohibited by law, or the association with a person or group with one or more of these actual or perceived characteristics, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity administered by the District. Further, no student shall be subject to any form of retaliation based on the participation in or actual reporting, filing, or investigation of any complaint alleging unlawful discrimination.

Appropriate means for the continuing evaluation of the entire education program, including the co-curricular program, shall be established and maintained.

District employees shall observe all laws, board policies, and administrative regulations prohibiting discrimination or harassment of students.

The Board encourages all District personnel and students to assist in the accomplishment of the District's mission through their personal commitment to provide an equal educational opportunity for all students. Any grievance of this policy shall follow the procedures listed in Board Policy No. 1312.3 - Uniform Complaint Procedures.

Adopted: 01/11/1989

Reviewed: 12/06/2005

Amended: 04/10/1991, 12/09/1991, 08/02/1995, 09/22/1999, 05/29/2001, 06/13/2001,  
04/13/2005, 07/18/2007, 01/15/2014, 11/18/2020 (BP 2108 renumbered as BP  
5145.3)

**EDUCATION CODE**

200-262.4 Educational Equity

**PENAL CODE**

422.55 "Hate crime" defined

**UNITED STATES CODE, TITLE 42**

2000d Title VI of the Civil Rights Act of 1964

2000e Title VII of the Civil Rights Act of 1964

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

2000h-2 – 2000h-6 Protection of pupil rights

Doc# 43399-9 (10/2020, 05/2018)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### STUDENTS

#### Rights and Responsibilities

#### **NONDISCRIMINATION/HARASSMENT**

The Superintendent or designee will:

1. assure that Board Policy No. 5145.3 and this administrative regulation is communicated to the school community;
2. direct the implementation of a staff development program that reaches all employees with in-service training about cultural diversity;
3. embed into the regular review of curriculum and instruction consideration for the cultural diversity of our society; and
4. maintain a yearly log of reported incidents regarding discrimination and the administrative action taken. The principal or department head will initiate the report form with a copy sent to the office of the Associate Superintendent of Human Resources.

For purposes of this administrative regulation, discrimination is defined below.

#### A. Discrimination Defined

The District prohibits discrimination, intimidation, harassment (including sexual harassment) or bullying based on a person's actual or perceived ancestry, color, disability, gender, gender identify, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. Discrimination is also prohibited on other basis protected by federal, state, or local law, ordinance, or regulation. The above prohibition applies to all acts related to school activity or school attendance within a school under the jurisdiction of the District.

Discrimination consists of verbal or physical conduct relating to any of the grounds or actual or perceived characteristics identified in Education Code section 220 and Penal Code section 422.55, or any other bases prohibited by law, or the association with a person or group with one or more of these actual or perceived characteristics.

Examples of such conduct include, but are not limited to:

- Graffiti containing racially offensive language.
- Name calling, offensive jokes or rumors.
- Offensive notes or cartoons.
- Racial slurs, negative stereotypes, and hostile acts which are based upon another's race or color.

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## CLOVIS UNIFIED SCHOOL DISTRICT

- Written or graphic material containing comments or stereotypes which is posted or circulated, and which is aimed at degrading individuals based on race, color, national origin, or sexual orientation.

### B. Compliance Officer

The District designates the individual identified below as the employee responsible for coordinating the District's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the District's nondiscrimination policies. The individual shall also serve as the compliance officer specified in Administrative Regulation No. 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination as defined above. The compliance officer may be contacted at: (Education Code 234.1; 5 CCR 4621)

Associate Superintendent of School Leadership  
Clovis Unified School District  
1450 Herndon Avenue Clovis, CA 93611  
(559) 327-9000

### C. Reporting and Complaint Procedures

#### 1. Student Reports

Any student who believes he or she has been the victim of discrimination under Board Policy 5145.3 and this administrative regulation related to a school activity or school attendance is encouraged to immediately report the incident to the school site principal, department head or Student Relations Liaison who shall work to resolve the issue through a consultation process at the site level. If an informal resolution of the complaint cannot be achieved within thirty (30) calendar days of the contact by the student, the student shall be informed of the right to file a complaint under the Uniform Complaint Procedure outlined in Board Policy and Administrative Regulation No. 9208 and be provided with a copy of that Policy and Administrative Regulation. Information about the complaint procedure and a copy of Board Policy and Administrative Regulation No. 9208 may be obtained from the principal, department head or the Student Relations Liaison.

#### 2. School Official Reports

Any teacher, administrator, or other school official who has received notice that a student has or may have been the victim of discrimination under Board Policy No. 5145.3 and this administrative regulation is required to immediately report the alleged discrimination to the school site principal or designee or to the school site Student Relations Liaison.

## CLOVIS UNIFIED SCHOOL DISTRICT

An annual report shall be made in August to the Intercultural Advisory Committee and the Board, providing data about the educational programs of the District related to the implementation of Board Policy No. 5145.3 and this administrative regulation.

### 3. Complaint Procedures

Any complaint relating to Board Policy No. 5145.3 and this administrative regulation should follow the procedures listed in Board Policy and Administrative Regulation No. 1312.3 (Uniform Complaint Procedures).

### D. Disciplinary Action

Disciplinary action taken against any student found in violation of Board Policy No. 5145.3 shall be applied pursuant to the Education Code, including section 48900 (Grounds for Suspension or Expulsion) and section 48900.5 (Suspension). See Board Policy and Administrative Regulation No. 5144 – Student Discipline/Corporal Punishment. This includes certain acts of a serious nature, i.e., those involving physical injury, weapons, or incidents related to robbery or extortion.

Reviewed: 12/06/2005

Amended: 09/22/1999, 05/29/2001, 04/13/2005, 07/18/2007, 08/08/2012, 01/15/2014,  
04/07/2022

Doc# 46587-4 (04/2022, 07/2020)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****STUDENTS**

Rights and Responsibilities

**SEXUAL HARASSMENT**

**PURPOSE:** To set forth the District's policy that every student shall be free from sexual harassment at school or school-related activities.

The District prohibits sexual harassment in all of the District's programs and activities. The District further prohibits retaliatory behavior or action against any person who reports, files a complaint or otherwise supports a complainant in alleging sexual harassment. District staff shall act promptly to resolve any sexual harassment. The Board authorizes the Superintendent to establish an administrative regulation setting forth procedures that will ensure that students are free from sexual harassment and to provide notice of the policy and to resolve complaints of sexual harassment in accordance with law.

Adopted: 08/02/1995

Reviewed: 12/06/2005, 07/15/2009

Amended: 09/22/1999, 04/13/2005, 06/11/2007, 11/18/2020 (BP 2111 renumbered as BP 5145.7)

**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

## CLOVIS UNIFIED SCHOOL DISTRICT

### 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

Doc# 43402-9 (10/2020, 09/2016)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****STUDENTS****Rights and Responsibilities****MARRIED/PREGNANT/PARENTING STUDENTS**

**PURPOSE:** To set forth requirements and procedures regarding the rights and options available to married, pregnant, and parenting students.

The Board recognizes that responsibilities related to marriage, pregnancy, or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children.

The District shall not exclude or deny any student from any educational program or activity, including any class or extracurricular activity, solely on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. In addition, the District shall not adopt any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. (Education Code 221.51, 230; 5 CCR 4950; 34 CFR 106.40)

The Superintendent or designee shall annually notify parents/guardians at the beginning of the school year of the rights and options available to pregnant and parenting students under the law. In addition, pregnant and parenting students shall be notified of the rights and options available to them under the law through annual school year welcome packets and through independent study packets. (Education Code 222.5, 48980)

For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved. (Family Code 7002)

**A. Education and Support Services for Pregnant and Parenting Students**

Pregnant and parenting students shall retain the right to participate in the regular education program or an alternative education program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or the student's child.

Any alternative education program, activity, or course that is offered separately to pregnant or parenting students, including any class or extracurricular activity, shall be equal to that offered to other District students. A student's participation in such programs shall be voluntary. (Education Code 221.51; 5 CCR 4950)

If required for students with any other temporary disabling condition, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of



**CLOVIS UNIFIED  
SCHOOL DISTRICT**

pregnancy, or related recovery, to obtain certification from a physician or nurse practitioner indicating that the student is physically and emotionally able to continue participation in the regular education program or activity. (Education Code 221.51; 5 CCR 4950; 34 CFR 106.40)

To the extent feasible, the District may provide educational and related support services, either directly or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

1. Childcare and development services for the children of parenting students on or near school site(s) during the school day including school-sponsored activities during school hours.
2. Parenting education and life skills instruction.
3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28.
4. Health care services, including prenatal care.
5. Tobacco, alcohol, and/or drug prevention and intervention services.
6. Academic and personal counseling.
7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation.

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

**B. Absences**

Pregnant or parenting students may be excused for absences for medical appointments and other purposes specified in BP/AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

**C. Parental Leave**

A pregnant or parenting student shall be entitled to eight weeks of parental leave in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The Superintendent

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

or designee may grant parental leave beyond eight weeks if deemed medically necessary by the student's physician. (Education Code 46015; 34 CFR 106.40)

The student, if age 18 years or older, or the student's parent/guardian shall notify the school of the student's intent to take parental leave. No student shall be required to take all or part of the parental leave. (Education Code 46015)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A pregnant or parenting student shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

Following the leave, a pregnant or parenting student may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the District. Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete District graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

**D. Accommodations**

When necessary, the District shall provide accommodations to enable a pregnant or parenting student to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. (34 CFR 106.40)

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child.
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

3. Access to a power source for a breast pump or any other equipment used to express breast milk.
4. Access to a place to store expressed breast milk safely.
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child.

**E. Complaints**

Any complaint alleging discrimination on the basis of pregnancy or marital or parental status, District noncompliance with the requirements of Education Code section 46015, or District noncompliance with the requirement to provide reasonable accommodations for lactating students shall be addressed through the District's uniform complaint procedures in accordance with 5 CCR 4600-4670 and Board Policy and Administrative Regulation No. 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with the District's decision may appeal the decision to the California Department of Education (CDE). If the District or CDE finds merit in an appeal, the District shall provide a remedy to the affected student. (Education Code 222, 46015; 5 CCR 4600- 4670)

**F. Program Evaluation**

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of District strategies to support married, pregnant, and parenting students, which may include data on student participation in District programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on District programs and services.

Adopted: 02/16/2022

**EDUCATION CODE**

221.51 Nondiscrimination; married, pregnant, and parenting students  
222 Reasonable accommodations; lactating students  
222.5 Pregnant and parenting students, notification of rights  
230 Sex discrimination  
8200-8498 Child Care and Development Services Act  
46015 Parental leave  
48205 Excused absences  
48206.3 Temporary disability, definition  
48220 Compulsory education requirement  
48410 Persons exempted from continuation classes  
48980 Parental notifications  
49553 Nutrition supplements for pregnant/lactating students  
51220.5 Parenting skills and education  
51745 Independent study

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## CLOVIS UNIFIED SCHOOL DISTRICT

52610.5 Enrollment of pregnant and parenting students in adult education

### CIVIL CODE

51 Unruh Civil Rights Act

### FAMILY CODE

7002 Description of emancipated minor

### HEALTH AND SAFETY CODE

104460 Tobacco prevention services for pregnant and parenting students

### CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4950 Nondiscrimination, marital and parental status

### CODE OF REGULATIONS, TITLE 22

101151-101239.2 General licensing requirements for child care centers

101351-101439.1 Infant care centers

### UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Education Act Amendments

### UNITED STATES CODE, TITLE 42

1786 Special supplemental nutrition program for women, infants, and children

### CODE OF FEDERAL REGULATIONS, TITLE 7

246.1-246.28 Special supplemental nutrition program for women, infants, and children

### CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

### ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 168 (2004)

### COURT DECISIONS

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

Doc# 57133-3 (02/2022, 12/2018)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****INSTRUCTION**

Community Relations

**PARENT INVOLVEMENT**

**PURPOSE:** Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership to support their children's success in school.

The Board recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent involvement in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall work with staff and parents/guardians to develop meaningful opportunities at all grade levels for parents/guardians to be involved in District and school activities; advisory, decision-making, and advocacy roles; and activities to support learning at home.

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so, including the process for filing a complaint. Such notification shall be in the District's informational materials and publications, including the Student and Parent Rights and Responsibilities Handbook available to parents and students upon registration in the District and at the beginning of each school year. This information is available at [www.cusd.com](http://www.cusd.com).

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

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

**NON-TITLE I SCHOOLS**

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

1. Develop a District parent involvement policy reflecting the needs of the community in collaboration with the various parent committees (School Site Council (SSC), School Assessment Review Team (SART), English Language Advisory Committee (ELAC), Intercultural Diversity Advisory Council (IDAC), etc.), as well as develop strategies to address the purposes and goals described in Education Code section 11504. The policy will be reviewed, revised, presented and made available to the parents on an annual basis

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**CLOVIS UNIFIED  
SCHOOL DISTRICT**

through the District newsletter, web site, Parent and Student Rights and Responsibilities Handbook or other methods.

2. Engage parents/guardians positively in their children's education by helping them develop skills to use at home that support their children's academic efforts at school and their children's development as responsible members of society.
  - a. Provide or make referrals to literacy training and/or parent education programs designed to improve the skills of parents/guardians and enhance their ability to support their children's education.
  - b. Provide information, in parent handbooks and through other appropriate means, regarding academic expectations and resources to assist with the subject matter.
  - c. Provide parents/guardians with information about their children's class assignments and homework assignments.
3. Inform parents/guardians that they can directly affect the success of their children's learning by providing them with techniques and strategies that they may use to improve their children's academic success and to assist their children in learning at home.

**FEDERAL AND STATE FUNDED PROGRAMS**

The Board intends to provide opportunities for parents/guardians of children served by programs supported by designated funding (federal/state categorical funds) to participate in the design, implementation, and evaluation of the programs provided for their children.

Regulations and guidelines for federal/state categorical programs require parent involvement and/or advisory committees. The committees shall be organized in accordance with state and/or federal guidelines.

Parent involvement committees for federal/state categorical programs shall advise and report only on those programs which relate to the specific purpose for which they were organized. They shall serve in an advisory capacity and function on behalf of the District schools through established lines of authority. Their actions shall not financially obligate the District except with Board approval.

**A. Federal-Funded Programs**

The parents/guardians of children enrolled in Title I programs shall be involved in planning, designing, and implementing these programs in an organized, systematic, ongoing, informed and timely fashion. They shall have regular opportunities to make recommendations on the educational needs of their children and on ways in which they can help their children benefit from the programs. All such recommendations shall receive timely responses.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

Federal regulations require schools receiving Title I funds to conduct annually at least one public meeting to which all parents/guardians of eligible children are invited. The purpose of the annual meeting shall be to discuss Title I programs and activities; inform parents/guardians of the right to consult in the planning, design, implementation and evaluation, solicit parent/guardian input, and provide for ongoing communications.

Federal regulations for Title I funding allow the District to provide for parent involvement through a formal advisory committee structure and through other less formal activities. The District shall include a description of the parent involvement structure/activities in its School Plan for Student Achievement (SPSA). Federal regulations further require the District to annually assess, through consultation with parents/guardians, the effectiveness of the Title I Parental Involvement Policy and Program and to determine what action needs to be taken, if any, to increase parental participation.

The District, if it receives Title I funds, shall provide parents/guardians with timely information about schools in a language and format they can understand. The information shall include annual notification in accordance with applicable laws.

The District shall, as appropriate, provide information to assist the schools in building parents'/guardians' capacity for involvement and identifying barriers to greater participation, giving particular attention to parents/guardians of students who are economically disadvantaged, disabled, limited English proficient, have limited literacy, and/or of any racial or ethnic minority background. The District shall provide, as appropriate, technical assistance and other support to schools as needed to implement its Title I Parent Involvement Policy and/or Program.

The procedures for developing and implementing Title I parent involvement policies and programs shall be stated in Administrative Regulation No. 6020.

If the District also receives funds under federal Title IV, Part E, to coordinate and enhance family engagement programs, the Superintendent or designee shall inform parents/guardians and organizations of the existence of Title IV. (20 USC 6318)

The District's board policy and administrative regulation containing parent/guardian and family engagement strategies shall be incorporated into the District's LCAP in accordance with 20 USC section 6312. (20 USC 6318)

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

District and school-level parent/guardian and family engagement policies and administrative regulations shall be distributed to parents/guardians of students participating in Title I programs and shall be available to the local community. Parents/guardians shall be notified of the policy in

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand.

**B. District/School Advisory Committees for State Funded Programs**

The District shall establish District and School Advisory Committees (DAC and SAC) in accordance with applicable laws. The Superintendent shall include in Administrative Regulation No. 6020 a list of the required District/school advisory committees and a description of their purposes.

Adopted: 11/25/1996

Reviewed: 01/14/2009, 11/13/2013

Amended: 02/09/2000, 03/09/2005, 08/24/2005, 09/26/2007, 01/23/2008, 01/14/2015,  
11/18/2020 (BP 9209 renumbered as BP 6020, all contents of BP 9203 moved to BP  
6020), 10/19/2022

**EDUCATION CODE**

11500-11505 Programs to encourage parent involvement

42238.02 Fiscal year average daily attendance

48985 Notices in languages other than English

49091.16-19 Parental review

51101 et seq. Parent rights and responsibilities

52060-52077 Local control and accountability plan

54444.1-54444.2 Parent advisory councils, services to migrant children

56190-56194 Community advisory committee, special education

64001 School plan for student achievement, consolidated application programs

**LABOR CODE**

230.8 Time off to visit child's school

**CODE OF REGULATIONS, TITLE 5**

18275 Child care and development programs, parent involvement and education

**UNITED STATES CODE, TITLE 20**

1132h Civil enforcement

6311 State plan

6312 Local educational agency plan

6314 Schoolwide programs

6318 Parent and family engagement

6631 Teacher and school leader incentive program, purposes and definitions

7241-7246 Family engagement in education programs



**CLOVIS UNIFIED  
SCHOOL DISTRICT**

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions, auxiliary aids and services

35.160 Communications

Doc# 44280-11 (09/2022, 05/01/2020)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****INSTRUCTION****Student Activities****CO-CURRICULAR AND EXTRA-CURRICULAR ACTIVITIES**

**PURPOSE:** To establish parameters for co-curricular and extra-curricular programs, including academic and ethical standards.

**A. General Program Parameters**

The Board believes that the District's goals and objectives are best achieved by a diversity of learning experiences, some of which are more appropriately conducted outside the regular classroom curricular program of the school.

The Board further believes that students should have the opportunity to participate in programs that will allow them to reach their full potential. Students should learn to develop the ability to assess and interpret what it takes to be successful, develop proficiency in the skills associated with each activity or sport, and develop the personal qualities of discipline, commitment, sportsmanship, and a lifetime commitment to excellence.

It is important that every student, coach, and advisor be an exemplary role model for the school, community and each other, and that they reflect the strong value the Board places upon character. The coach, advisor, and student must recognize that the purpose of activities is to promote the physical, mental, moral, and emotional well-being of the individual student. For all extra-curricular activities at grades 7-12, including sports, the coach/advisor, student, and parent/guardian shall each sign and follow the District's Codes of Conduct, Exhibits No. 6145(1), 6145(2), 6145(3), and 6145(5). The District shall further post Codes of Conduct for spectators and officials, Exhibits No. 6145(4) and 6145(6).

The Board's policy is to offer opportunities for students to participate in co-curricular and extra-curricular activities in accordance with applicable federal and state laws. No District student's participation in extra-curricular and co-curricular activities shall be required or refused based on the student's gender, sexual orientation, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability.

The Superintendent shall adopt an administrative regulation that sets forth Codes of Conduct for coaches and advisors, students, parents/guardians, spectators and officials, and parameters for co-curricular and extra-curricular activities in the District.

**B. Definitions**

"Extra-curricular activities" shall include those activities that are not part of the regular school curriculum, are not graded, and do not take place during classroom time. Such activities shall ordinarily be supervised or financed by the District; students participating in extra-curricular activities represent the District; students may exercise some degree of freedom in their selection,

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

planning, or control of the program; and extra-curricular activities typically include the preparation for performance and performance before an audience or spectators. Extra-curricular activities include District athletic programs and interscholastic athletics.

“Co-curricular activities” shall include those programs that are associated with the curricular in a regular classroom. However, such activities do not include any required program that satisfies the entrance requirements to California State University or University of California. Also, programs that have, as their primary goal, the improvement of academic or educational achievement are not considered “co-curricular activities.”

**C. Elementary, Intermediate and High School Interscholastic Athletics**

The Board intends to provide an opportunity for all students to participate in interscholastic athletics. The Board also intends to encourage students to participate in athletics at the school in their attendance area.

The Board recognizes the California Interscholastic Federation (CIF) as the regulatory body for interscholastic athletics for grades nine through twelve. Interscholastic athletics for grades nine through twelve shall be conducted in accordance with this policy and the accompanying administrative regulation and shall comply with CIF rules except when this policy and the accompanying administrative regulation establishes a higher standard than the CIF rules.

Although CIF is not the regulatory body for interscholastic athletics for grades seven and eight, the Board adopts CIF rules pertaining to residential and transfer eligibility to interscholastic athletics for grades seven and eight. However, any residential and/or transfer eligibility determinations with regard to seventh and eighth grades will be made by the District, and the District’s determinations are final and not subject to appeal to CIF or any other administrative agencies. The District shall apply CIF rules as appropriate with respect to seventh and eighth grade interscholastic athletics in the District.

The Superintendent shall adopt an administrative regulation that sets forth residential and transfer eligibility requirements for interscholastic athletics for seventh through twelfth grades as well as certain academic and other qualifications and requirements for participation in interscholastic athletics for all District students.

Eligibility and other requirements for participation in elementary level athletics will be governed by the administrative regulation established by the Superintendent, as well as the District’s Elementary Athletic Handbook.

The Board shall annually review this policy as required by Education Code section 35160.5.

**CLOVIS UNIFIED  
SCHOOL DISTRICT****D. Community Activities**

The Board recognizes the social and scholastic values that may be derived by students participating in various activities sponsored by community organizations. To prevent unreasonable demand on the time and energies of students and staff, requests for student participation in community sponsored activities must be made in writing to the site administrator and be approved by the Superintendent or designee. Any requests from civic institutions or special interest groups involving students in such activities as patriotic functions, contests, and exhibits must be carefully reviewed to ensure that such activities promote student interests without advancing the special interests of any particular group and that students participating do so voluntarily.

Adopted: 09/05/2001

Reviewed: 06/09/2021, 06/08/2022, 05/24/2023

Amended: 02/27/2002, 05/08/2002 (consolidation and revision of BP 2501 – Co-Curricular & Extra-Curricular Participation, BP 2502 – Interscholastic Athletics, and BP 2505 – Co-Curricular Code of Conduct), 03/24/2004, 08/10/2005, 09/27/2006, 12/12/2007, 07/08/2009, 09/08/2010, 11/18/2020 (BP 2505 renumbered as BP 6145, moved provisions from BP 9205 – Activities Involving Students)

**EDUCATION CODE**

32220-32221 Insurance for athletic teams

33353 California Interscholastic Federation

35145 Public meetings

35160, et seq. Powers and duties

35179 Interscholastic Athletics

48930-48938 Student organizations

49020-49024 Athletic programs

**UNITED STATES CODE, TITLE 20**

1681-1688 Discrimination based on sex, Title IX

**UNITED STATES CODE, TITLE 42**

2000h-2 - 2000h-6 Equal protection

**CALIFORNIA CODE OF REGULATIONS, TITLE 5**

350 Fees Not Permitted

4900-4965 Nondiscrimination

5531 Supervision of Extracurricular Activities of Pupils

California Interscholastic Federation

Central Section Rules 201, et seq.

Doc# 43423-14 (05/2023, 05/2017)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### INSTRUCTION

#### Student Activities

### CO-CURRICULAR AND EXTRA-CURRICULAR ACTIVITIES

This Administrative Regulation contains the following sections:

- A. General Program Parameters
- B. Academic Standards for Grades 7-12
- C. Academic Standards for Elementary Students (Grades K-6)
- D. Code of Conduct
- E. Residential and Transfer Eligibility for Interscholastic Athletics; Intermediate (Grades 7-8) and High School (Grades 9-12) Students
- F. Semesters of Eligibility and Team Eligibility for Inter-Scholastic Athletics
- G. Insurance Coverage
- H. Alternative School Placement or Charter School Placement

#### **A. General Program Parameters**

Extra-curricular and co-curricular programs and activities in the District shall be conducted in accordance with the following general program parameters:

1. Participation and Involvement: Involve the participation of pertinent District staff, students, and parents in the development and planning of a program or activity. District employees (if willing), facilities, supplies, and equipment may be made available to support a program or activity.
2. Responsiveness: Be responsive to the articulated needs of students.
3. Guidance and Supervision: Include competent guidance and supervision by willing District staff. The Superintendent or designee shall approve all programs and activities.
4. Guard Against Exploitation: Guard against the exploitation of students.
5. Continuing Evaluation: Provide for the continuing evaluation of the program or activity.
6. Open and Informed: Assure that all programs and activities are open to all students and that all students are fully informed of the opportunities open to them, except where eligibility requirements are necessary or desirable.
7. Principles and Character: Reflect District principles and character, and the role of students and coaches/advisors as role models, and guard against undue influence and the recruiting of participation from outside the District.

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## CLOVIS UNIFIED SCHOOL DISTRICT

### 8. Compliance with School Rules.

Student Clubs: Ensure that all student club faculty advisors monitor compliance with and enforce school rules, including board policies and administrative regulations, in a uniform manner at any and all meetings and functions of all student clubs. A violation of school rules by one or more students shall not be a basis for restricting the opportunities of other students who have not violated the rule. These opportunities include, but are not limited to, continuing to conduct or attend meetings of any student club. However, such opportunities may be restricted for all students in a student club if multiple school rule violations create a pattern or practice, or there is widespread student involvement in the violation(s), or there is a likelihood of a disruption on campus or continued violation of school rules as determined by the Superintendent or designee. Any student who violates school rules may be subject to disciplinary action, including expulsion or suspension from school, or revocation of the privilege of participating in student club activities.

Extra-Curricular and Co-Curricular Program: Ensure that all extra-curricular and co-curricular program and activity advisors, coaches, and supervisors monitor compliance with and enforce school rules, including board policies and administrative regulations in a uniform manner at any and all program or activity events, meetings and functions. A violation of school rules by one or more students shall not be a basis for restricting the rights and opportunities of other students who have not violated the rule(s). These opportunities include but are not limited to, continuing to conduct or attend meetings of any events, meetings, or functions of any extra-curricular or co-curricular program or activity. However, such opportunities may be restricted for all students in an extra-curricular or co-curricular program or activity if multiple school rule violations create a pattern or practice, or there is widespread student involvement in the violation(s), or there is a likelihood of a disruption on campus or continued violation of school rules as determined by the Superintendent or designee. Any student who violates school rules may be subject to disciplinary action, including expulsion or suspension from school, or revocation of the privilege of participating in extra-curricular and co-curricular programs or activities.

9. Prohibition on Discussion of Sexual Activity: Prohibit discussion of sexual activity during any student club meeting or student club activity within the District's limited open forum. "Sexual activity" shall include discussion of sex acts, sexual organs, or any topic that is addressed in the District Family Life/Sex Education curriculum. "Sexual activity" shall not be interpreted to include discussion promoting respectful or civil treatment of individuals of different sexual orientation or gender identity, or discussion concerning discrimination or harassment on the basis of sexual orientation or gender identity. Furthermore, nothing in this administrative regulation shall be interpreted to prevent any student club or its members from participating in or discussing community events, such as fundraising walks relating to breast cancer or AIDS.

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## CLOVIS UNIFIED SCHOOL DISTRICT

10. Students with Disabilities: Provide extra-curricular and co-curricular activities in such a manner as is necessary to afford students with exceptional needs an equal opportunity for participation in such services and activities.
11. Annual Notice of District Student Clubs: Require that an annual notice be sent to the parent/guardian of each student regarding student clubs that the District recognizes at the student's school during that academic year. The parental notice will list, without drawing attention to any particular club, all active student clubs at the pertinent school, with the club name, a brief description of the club prepared by the principal or designee, and the name of the club's advisor. The parental notice will, without drawing attention to any particular club, advise the parent/guardian of his or her right to inform the school of any student club in which the parent/guardian does not wish his or her student to participate, and advise the parent/guardian that consent will be presumed without written notice to the contrary. The notice shall include the following prefatory language and no other prefatory language:

“As part of its educational mission for students, Clovis Unified School District allows both curriculum- and non-curriculum-related student clubs to meet at school during non-instructional hours (e.g., before classes begin, during lunch period, club schedule, and after classes end). The Governing Board believes that curriculum- and non-curriculum-related student organizations can have an important place in students' lives. Besides extending and reinforcing the instructional program, such groups can give students practice in democratic self-government and civil social discourse, as well as providing social, intellectual, and recreational opportunities.

The viewpoints and speech expressed at meetings of student clubs do not necessarily reflect the views of the Clovis Unified School District or its Governing Board.

If eligible under applicable District eligibility standards, a student will have the opportunity to join one or more such clubs and to attend and participate in the meetings of any club that he or she joins. However, the parent has the right to inform the school in writing of any particular student club in which they do not wish their child to participate. Consent to participate will be presumed without written notice to the contrary.”

### **B. Academic Standards For Grades 7-12**

To reflect the Board's desire that interscholastic athletics, co-curricular and extra-curricular activities supplement, and not detract from, the academic achievement of District students, each program or activity for students in grades 7-12 shall include the following academic standards:

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## CLOVIS UNIFIED SCHOOL DISTRICT

1. Grade Point Average Requirement: All students must earn at least a 2.0 grade point average for the prior grading period to participate during the current grading period. A student who fails to achieve at least a 2.0 grade point average may be placed on probation for the current grading period provided the student complies with the school's tutorial assistance program. A student who does not achieve at least a 2.0 grade point average during the probationary period shall not be allowed to participate in extra-curricular or co-curricular activities in the subsequent grading period.

Grades earned as of the end of the six-week spring grading period of the eighth grade must be used to determine probation/eligibility for the first six-week fall grading period of the ninth grade.

a. Students ruled ineligible:

- (1) May practice with the team / club with approval by school administration after consulting with the coach / advisor.
- (2) Must attend the weekly study table.
- (3) Will not be released early from class for games, practices, and events.
- (4) Will not be allowed to dress out or otherwise participate.

b. Students placed on probation as used herein must:

- (1) Attend the weekly study table.
- (2) Request from the student's teachers a progress report every two weeks and circulate the progress reports to the advisor or coach of each student club or extra-curricular or co-curricular program or activity in which the student is participating. The report must show a passing grade for all classes and a minimum 2.0 grade point average to continue to participate, and to proceed with the subsequent two-week probationary period.

c. A transfer student is subject to all the conditions of the grade point average requirement.

d. A student who does not pass at least 20 units for high school, or four classes for intermediate/middle school, during each semester grading period will be ineligible for the following six-week grading period. There is no probationary period for such a student. Example of Administrative Regulation's Application: Student A attends a District middle school and is enrolled in six classes in the spring grading period. Student A receives three F's for the grading period. Because Student A did not pass at least four classes, Student A is ineligible to participate in extra-curricular and co-



## CLOVIS UNIFIED SCHOOL DISTRICT

curricular activities for the following six-week grading period. Under these circumstances, Student A is not entitled to a probationary period.

2. Progress Toward Graduation Requirement: All students who participate in a co-curricular or extra-curricular activity must maintain a grade point average for all classes and minimum progress toward high school graduation that demonstrates satisfactory coursework. Each school site is directed to develop a plan to provide monitoring and assistance to individual students in order to satisfy these standards.

The following number of accumulated units toward high school graduation will be the standard for minimum achievement for students in grades 9-12:

<u>Grade/Semester</u>	
Sophomore, fall semester	55 units
Sophomore, spring semester	80 units
Junior, fall semester	110 units
Junior, spring semester	135 units
Senior, fall semester	165 units
Senior, spring semester	195 units

- a. A current student in grades 9-12 who does not accumulate the required number of units toward high school graduation may be placed on probation for the current semester if all of the following conditions are met:
  - (1) A written plan of coursework for the student to catch up on credits within the semester currently attending is developed. The plan is to be submitted to the Assistant Superintendent of Educational Services or designee.
  - (2) The student must attend the weekly study table.
  - (3) The student may be required to circulate a progress report every two weeks to the advisor or coach of each student club or extra-curricular or co-curricular program or activity in which the student is participating. The report must show passing grades in all classes and a minimum 2.0 grade point average to continue to participate, and to proceed with the subsequent two-week probationary period.

A student who does not achieve the necessary number of units by the end of the probationary semester shall not be allowed to participate in extra-curricular and co-curricular activities in the following semester.

- b. If a transfer student is below the standards for accumulated units towards high school graduation, a school can implement a probationary period if all of the following conditions are met:

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## CLOVIS UNIFIED SCHOOL DISTRICT

- (1) A written plan of coursework for the student to catch up on credits within twelve months (or the graduation ceremony for a senior) is developed. The plan is to be submitted to the Assistant Superintendent of Educational Services or designee.
- (2) The student must attend the weekly study table.
- (3) The student may be required to circulate a progress report every two weeks to the advisor or coach of each student club or extra-curricular or co-curricular program or activity in which the student is participating. The report must show passing grades in all classes and a minimum 2.0 grade point average to continue to participate, and to proceed with the subsequent two-week probationary period.

A student who does not achieve the necessary number of units by the end of the probationary 12 months shall not be allowed to participate in extra-curricular and co-curricular activities in the following semester.

- c. A student may be placed on probation to catch up on credits on only one occasion during the four years of high school. Appeals for extenuating circumstances will be heard by the Superintendent's designee.
3. Written Notification of Probation or Ineligible Status: The school will provide written notification to the student's parent/guardian when a student is placed on grades 7-12 probation or becomes ineligible for co-curricular and/or extra-curricular participation.
4. Tutorial Assistance Program for Probationary Students: The school site program must include a minimum of two hours of tutorial assistance at the intermediate school level and three hours at the high school level per week. Progress checks and parent communication should be included on a regular basis.
5. Summer School: Summer school grades may be combined with the grades as of the last six-week grading period in computing the grade point average to determine eligibility for the first six-week grading period of the next school year.
6. End of Grading Period/Semester: A school must declare all of its students eligible, ineligible, or on probation on the same day following the close of the previous grading period. This date should be set to allow for accuracy in the issuance of grades and the determination of grade point averages. The day used will be the second Monday following the end of the grading period.

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## CLOVIS UNIFIED SCHOOL DISTRICT

### **C. Academic Standards For Elementary Students (Grades K-6)**

To reflect the Board's desire that interscholastic athletics, co-curricular, and extra-curricular programs and activities supplement, and not detract from, the academic achievement of District students, each program or activity for students in grades K-6 shall require that a student maintain at least a "C" average in all subject areas. For purposes of elementary student probationary status and related eligibility requirements, see the District's Elementary Athletic Handbook.

### **D. Code of Conduct**

To reflect the Board's desire that interscholastic athletics, co-curricular, and extra-curricular programs and activities ("co-curricular and extra-curricular activities") supplement, and not detract from, the character education of District students, all such activities in the District shall be conducted in accordance with the following standards:

#### **1. Commitment to Code of Conduct**

Students participating in District co-curricular and extra-curricular activities must follow the Code of Conduct standards at all times. This obligation and responsibility continue at all times, including summer vacation. Students are subject to the Code of Conduct and related school rules affecting participation in District co-curricular and extra-curricular activities when students are under the supervision of a District advisor/coach, while at school or at a school-related activity, as well as at non-school related activities. Students and the coaches, advisors, and parents/guardians/caregivers of the student participating in District co-curricular and extra-curricular activities will abide by this Code of Conduct. These persons must demonstrate honesty and integrity in compliance with the academic, residency, and good citizenship requirements of the Code of Conduct. Further, any undue influence by a school official, coach, advisor, parent/guardian/caregiver, official, or spectator to encourage improper conduct by a co-curricular or extra-curricular activities participant in violation of the Code of Conduct is strictly prohibited. This prohibition includes any direct or indirect salary, gratuity, educational expenses, excessive or improper expenses, awards, benefits, cash or the equivalent thereof provided to a co-curricular or extra-curricular activities student participant to encourage or ensure a student's participation in a District co-curricular or extra-curricular activity.

If it is discovered that any parent/guardian/caregiver, student, coach, advisor, teacher, friend or any one associated with the District has provided false information in regards to any aspect of eligibility status on behalf of a student, said student is subject to immediate ineligibility in any activity from the date the determination was made that false information was provided, up to a period of 24 calendar months.

Accordingly, teachers, coaches, advisors, parents/guardians/caregivers, officials, spectators, and students shall abide by the Code of Conduct to uphold the trustworthiness, respect, responsibility, fairness, caring, and citizenship that this community represents.

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## CLOVIS UNIFIED SCHOOL DISTRICT

(With regard to coaches and other District employees in athletic supervisory positions, see also California Code of Regulations, title 5, § 5596.)

2. Appearance: District co-curricular and extra-curricular activities are held in high esteem in the District and in the community. Appearance, expressions, and actions influence people and their opinion of the District, its students, teams, and the schools. Each student participant in District co-curricular and extra-curricular activities has the responsibility to abide by the District dress code when at school, while traveling, and when representing the District at a co-curricular or extra-curricular activities competition or event. A co-curricular or extra-curricular coach or advisor may set a stricter dress policy but may not be more lenient than the District dress code as stated in Board Policy and Administrative Regulation No. 5132 – Dress and Grooming. If the coach or advisor chooses to set a more strict policy, prior approval must be obtained from the school site athletic director or administrator overseeing the co-curricular or extra-curricular activity, and that stricter dress code policy must be furnished in writing to participating students and parents/guardians.
3. Attendance: Regular school attendance is expected of all District students. Habitual absenteeism will result in appropriate disciplinary action. A participant in co-curricular or extra-curricular activities must be in attendance the day of the performance, contest, or event (at least half of the day unless the student has a doctor's appointment or is excused by the school principal) or in school the day prior to activity, event or performance, or contest on a non-school day, to be eligible for participation. Students are also expected to attend all school classes the day following a co-curricular or extra-curricular activity event or performance, or contest. Any deviation from the regular school attendance will result in appropriate disciplinary action.
4. Academic Eligibility: Participating students shall meet the academic eligibility standards set forth above as part of his or her ethical responsibilities as a participant in co-curricular and extra-curricular activities.
5. Provision of Accurate Information: Students participating in District co-curricular or extra-curricular activities must provide correct information to the District, including, but not limited to, the information on the following forms as appropriate:
  - a. Valid Birth Certificate;
  - b. Results of an annual physical examination / Pre-participation Screening Form;
  - c. Verification of insurance / Emergency Card;
  - d. Signed residence questionnaire;
  - e. Signed acknowledgment / informed consent forms;

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## CLOVIS UNIFIED SCHOOL DISTRICT

- f. Signed informed consent form for football;
  - g. Signed anabolic steroids form;
  - h. Signed District Code of Conduct;
  - i. Signed California Interscholastic Federation (CIF) Code of Conduct; and/or
  - j. Signed dress code (if coach/advisor uses a stricter dress code than that set forth in Board Policy and Administrative Regulation No. 5132 – Dress and Grooming).
6. Behavior: The conduct of District students participating in co-curricular and extra-curricular activities is closely monitored by the public and community. District students, in representing themselves, their parents/guardians, school, and community, are expected to conduct themselves in an exemplary manner. No student participant will violate applicable statutes or rules, including Education Code section 48900 (Refer to Board Policy and Administrative Regulation No. 5144 – Student Discipline/Corporal Punishment).
7. Removal Procedure

When a violation of this Administrative Regulation, the Education Code and / or other provisions occurs, a coach/advisor/activities director or athletic director can temporarily exclude a student from participation on a team/activity for a period up to five school days and recommend permanent removal of the student from the team/activity for the season. The coach/advisor is to immediately inform the school athletic director or activities director of the temporary exclusion of the student from the team/activity. The parents/guardians are to be notified in person or by phone within 24 hours of the temporary exclusion from participation.

A student who has been temporarily excluded will have an informal conference with the site athletic/activities director. The purpose of this informal meeting is to give the student an opportunity to be heard with respect to the alleged violation.

Within five school days after notice of being temporarily excluded from the team/activity, the student and the student's parents/guardians must be given an opportunity to be present at a removal hearing to determine the length of the student's exclusion, the criteria for reinstatement on the team/activity, or if the student will be permanently removed from the team/activity. Time periods for the above procedure may be adjusted, if necessary, to complete the investigation of the offense; however, the student in question and student's parents/guardians will be notified of the adjusted schedule. This procedure shall not apply to residential, intra-district, or inter-district transfer eligibility determinations for interscholastic athletics eligibility discussed below.

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## CLOVIS UNIFIED SCHOOL DISTRICT

### 8. Removal Hearing

For purposes of the Removal Procedure described above, the hearing panel that will determine whether to permanently remove a student from an interscholastic athletic team will be composed of three voting school personnel as follows:

- a. Athletic director/activities director/chairperson (one vote);
- b. Principal, deputy principal, learning director, or counselor (one vote); and
- c. Staff member (one vote).

Others who may attend and have input:

- a. Coaches/advisors (non-voting, provide information only);
- b. Student (non-voting, provide information only); and/or
- c. Parents (non-voting, provide information only).

The three voting members of the hearing panel must be present to constitute a quorum, with a majority vote necessary for action.

The hearing panel will hear a case within five school days of the notice of being temporarily excluded (unless extended by the District for a reasonable period of time for purposes of completing an investigation into the student's conduct subjecting him or her to removal, or other valid reasons) and inform the student of its decision after the panel's recommendation has been reviewed by the principal.

Individuals who may be present during the panel's hearing are restricted to the panel members, school officials, the student, and the student's parents/guardians, and, if allowed by the District, witnesses providing testimony during the hearing. Any exception to this restriction must be approved by the principal.

A letter shall be sent to the parents/guardians and student stating the decision of the hearing panel within one school day after the hearing.

Following the receipt of the hearing panel's decision by the student's parents/guardians, the student may appeal the panel's decision to the principal. The student must deliver the written request for appeal to the deputy principal or principal's office within 10 school days of the hearing panel's decision. The principal must provide the student with a decision within 10 school days of receiving the written request. The principal's decision is final.

## CLOVIS UNIFIED SCHOOL DISTRICT

### **E. Residential and Transfer Eligibility For Interscholastic Athletics; Intermediate (Grades 7-8) And High School (Grades 9-12) Students**

The provisions in this paragraph govern District students' residential, intra-district, and inter-district transfer eligibilities for participation in District interscholastic athletics.

"Residential eligibility" governs and determines at which District area school a student has obtained eligibility to participate in interscholastic athletics.

"Interdistrict transfer eligibility" governs whether a student is eligible to participate in interscholastic athletics following a transfer from a non-District school into a District school.

"Intradistrict transfer eligibility" governs and determines whether a student is eligible to participate in interscholastic athletics following a transfer from one District school to another District school, whether through the District's open enrollment process or other method of intra-district transfer.

Authorization or approval by the District of a student's inter-district transfer, intra-district transfer, or open enrollment transfer does not result in the student obtaining inter-district or intra-district transfer eligibility for District interscholastic athletics. Following a student's inter-district or intra-district transfer into a District school, the determination of the student's inter-district or intra-district transfer eligibility for interscholastic athletics will be based upon the requirements, standards, and guidelines set forth herein.

#### 1. Residential Eligibility.

"Residential eligibility" determines what District school student is eligible to attend based on the attendance area in which the student resides. Correspondingly, "residential eligibility" determines, in the first instance, the District school at which a student is generally eligible to participate in interscholastic athletics during the seventh through twelfth grade years.

A student's area of attendance is established by the District elementary school student attends during the second semester of the sixth-grade school year. Upon entering the seventh grade of the intermediate school of student's attendance area (the aligned intermediate school), the student has initial enrollment.

A student who has a valid full family move into an attendance area of the District in the seventh grade would also have initial enrollment.

When a student transfers from a school not associated with the District, he or she will be considered an inter-district transfer (i.e., transfers into a District school from a home school, private school, or other public school). A student on an inter-district transfer who lives in the District's boundaries will be given residential eligibility based on the neighborhood school. If the student wants to attend a school outside their neighborhood school, the student must comply with the intra-district transfer policy and related interscholastic eligibility limits.

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## CLOVIS UNIFIED SCHOOL DISTRICT

When a student transfers from one District school to another District school by either open enrollment or other intra-district transfer, the student will be considered a transfer student and will be subject to the intra-district transfer policy and related interscholastic eligibility limits.

Example of Administrative Regulation's Application: If a student transfers/enrolls into the District from a private school and lives in District School A's attendance boundary area, the student may be granted eligibility for participation in School A's interscholastic sports. If the same student desires to attend District school B, outside student's attendance area, then the student must follow the District's intra-district policy and will generally be ineligible for participation in School B's interscholastic sports for 365 days.

2. Inter-District Transfer Eligibility: For purposes of determining inter-district transfer eligibility for District interscholastic sports, the District adopts and follows the standards in California Interscholastic Federation (CIF) and CIF Central Section Bylaw 207.
  - a. Inter-District Transfer Eligibility (Grades 7 and 8): The following provisions apply to any student who transfers from a school not associated with the District into the District during the student's seventh or eighth grade years. (Refer to CIF Central Section Bylaw 207.)
    - (1) A student may have inter-district transfer eligibility provided the student moves from any non-District school to a District school due to:
      - (a) A valid change of residence (full family move) (Refer to CIF Central Section Bylaw 206); OR
      - (b) A ruling by the governing board of a school district that has two or more high schools mandating a change of school attendance boundaries affecting an individual student or group of students provided the change of schools is not the result of a disciplinary action; OR
      - (c) A family decision to transfer the student during the seventh or eighth grade year and the following conditions are met:
        - 1) This is the first transfer of the student since student's initial enrollment in the seventh or eighth grade; AND
        - 2) The student is not transferring as a result of a disciplinary situation (see also CIF Bylaw 209); AND
        - 3) The student was scholastically and otherwise eligible at the former school immediately prior to the transfer; AND
        - 4) There is no evidence that the transfer, in whole or part, is athletically motivated (See also CIF Bylaw 510.B); AND



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## CLOVIS UNIFIED SCHOOL DISTRICT

- 5) The CIF Form 510 Pre-Enrollment Contact Affidavit is completed verifying that there is no evidence of the use of undue influence (recruiting) by anyone associated with either school; AND
- 6) The CIF Form 207 Athletic Transfer Eligibility Application and CIF Form 510 Pre-Enrollment Contact Affidavit have been approved by the District;
- 7) However, no student shall be eligible to participate in the same sport at two different schools in the same school year unless the student changed schools as a result of a valid change of residence by the student and student's parents/guardians/caregivers. In the event of a change of schools due to a valid change of residence, a student will be allowed to participate in the same sport at two different schools not to exceed, in total, the maximum number of contests in that sport as established by the District.

Example of Administrative Regulation's Application: Student A transfers into the District by way of an inter-district transfer in the seventh grade. Student may have unrestricted eligibility if they have met all the criteria in (3)(a)-(g) above. If the student desires to transfer to another District school at any time after the initial enrollment, then the student must follow the intra-district policy and related interscholastic eligibility limits.

- (2) If a student does not qualify for inter-district transfer eligibility under the above standards, the student may seek a hardship waiver of their ineligibility as set forth below in E.4., Hardship and Restricted and Unrestricted Eligibility Waiver section, of this administrative regulation.

All intermediate school students (grades 7-8) transferring on an inter-district transfer into the District who intend to apply for athletic eligibility must fill out District forms 207, 510, and Release to Practice. These forms are accessible at the new school's athletic office. Any student, seventh through eighth grade, and/or the student's parent/guardian should submit the completed forms to the athletic director at the student's new school.

After reviewing the completed Forms 207 and 510, the Superintendent's designee will determine whether or not an intermediate school student has athletic eligibility upon the student's inter-district transfer into the District. The Superintendent's designee will use the transfer guidelines under E.2 – Inter-District Transfer Eligibility above as a criterion for and guidance for determining eligibility.

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## CLOVIS UNIFIED SCHOOL DISTRICT

### b. Inter-District Transfer Eligibility (Grades 9-12)

The following provisions apply to any student who transfers from a school not associated with the District into the District during the student's ninth through twelfth grades. All criteria are established by CIF Bylaw 207. (Refer to CIF Bylaw 207)

All high school students (grades 9 through 12) transferring into the District on an inter-district transfer who intend to apply for athletic eligibility must fill out an Athletic Transfer Eligibility Application (CIF Form 207) and Pre-enrollment Contact Affidavit (CIF Form 510), and Release to Practice form. These forms are accessible at the new school's athletic office. Any student (grades 9 through 12) and/or the student's parent/guardian should submit the completed forms to the athletic director at the student's new school.

All forms will be sent to CIF, and CIF will determine the eligibility of the student transferring. Any appeals will be directly referred to CIF.

### Students Entering the United States

The 365-day period of athletic ineligibility includes foreign exchange students, foreign students, and any student who has transferred from a school not associated with the District or from another school district without the student's parents/guardians/caregivers with whom the student lived with when student established residential eligibility; this period of ineligibility applies even though the student has a new legal guardian or caregiver appointed who themselves have been a resident of the District attendance area for more than 365 days. If a foreign exchange student can prove no previous participation in a specific or related sport or competitive extracurricular activity, said student may apply for a waiver and be granted restricted (non-varsity level) eligibility in sports that the student has not participated in prior to coming to the United States. In sports in which they have participated, these students are ineligible for 365 days.

A student entering the United States may have full eligibility in sports if he/she: (1) remains at the existing school after year 1; (2) has the proper visa/documentation; and (3) provides proof that he/she never previously participated in a specific or related sport or extracurricular activity prior to coming to the United States. For sports in which the student has previously participated prior to coming to the United States, the student will be ineligible.

### 3. Intra-District or Open Enrollment Transfer Eligibility and Request for Waiver of Ineligibility (Grades 7 through 12).

Pursuant to Education Code section 35179 and article 2, section 23 of CIF's Constitution, the District has established its own standards for student eligibility for interscholastic athletics following a seventh through twelfth student's intra-district transfer from one District school to

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## CLOVIS UNIFIED SCHOOL DISTRICT

another District school through the District's open enrollment or other intra-district transfer process.

Any seventh through twelfth grade student who transfers from one District school to another District school shall be ineligible for athletic participation for 365 days from the date of first attendance within the District at the student's new school.

If a student chooses to receive an open enrollment transfer to a new school for a second time while attending seventh or eighth grade, and the student receives such a transfer for educational purposes, the student will then be ineligible for athletic participation for the remainder of student's intermediate school career at the new school.

- a. A student may have restricted athletic eligibility, regardless of the above limitations, provided that the student can demonstrate a hardship as defined by CIF Bylaw 207 or E.4.a below. All students in grades 9-12 would still need approval from CIF prior to granting any eligibility.
- b. All intermediate school students (grades 7-8) transferring to a school outside their attendance area on an intra-district transfer or an open enrollment transfer who intend to apply for athletic eligibility must fill out District Forms 207, 510, and Release to Practice. These forms are accessible at the new school's athletic office. The parents/guardians of any students in grades 7 – 8 shall submit the completed forms to the athletic director at the student's new school.

After reviewing the intermediate school student's completed Forms 207, 510, and Release to Practice, the Superintendent's designee will determine whether the intermediate school student has athletic eligibility upon the student's intra-district or open enrollment transfer. CIF Central Section Bylaw 207, the provisions in E.4, and the guidance provided by same, will be used to determine eligibility. Intermediate school students denied eligibility under this section by the Superintendent's designee may appeal the designee's determination consistent with the provisions in E.6 of this administrative regulation.

- c. All high school students (grades 9-12) transferring to a District school outside their attendance area on an intra-district transfer or an open enrollment transfer who intend to apply for athletic eligibility must fill out an Athletic Transfer Eligibility Application, (CIF Form 207) and Pre-enrollment Contact Affidavit, (CIF Form 510), and Release to Practice form. These forms are accessible at the new school's athletic office. Any student in grades 9-12 and/or the parents/guardians of any students in grades 9-12 shall submit the completed forms to the athletic director at the student's new school.

After reviewing the high school student's completed CIF Forms 207, 510, and Release to Practice, the Superintendent's designee will determine whether the high school student has athletic eligibility based upon the student's intra-district or open enrollment

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

transfer. CIF Central Section Bylaw 207 and the guidance provided by same will be used to determine eligibility. The ruling of the Superintendent's designee will be forwarded to the CIF Central Section Commissioner. High school students denied eligibility under this section by the Superintendent's designee may appeal the designee's determination consistent with E.6 of this administrative regulation.

4. Hardship and Restricted and Unrestricted Eligibility Waivers: A student can obtain athletic eligibility under this administrative regulation if the student qualifies for a waiver of athletic ineligibility based on hardship. A hardship waiver may allow a 7th or 8th grade student unrestricted or restricted eligibility for participation in District interscholastic athletics. A hardship waiver may allow a grade 9-12 student restricted eligibility for intra-district transfers as defined by E.3. For students in grades 9-12 to gain unrestricted eligibility, they must meet CIF Bylaw 207's definition of a hardship and be approved by CIF.
  - a. Hardship Waivers: To qualify for a hardship waiver of ineligibility for interscholastic athletics, the transfer student must be able to demonstrate that a hardship caused the student to transfer and therefore be ineligible. A hardship is defined as an unforeseeable, unavoidable, and uncorrectable act, condition, or event, which causes the imposition of a severe non-athletic burden upon the student or student's family. The District incorporates by reference and refers to CIF Central Section Bylaw 207's definition of a hardship, interpretation of a hardship, and guidance on hardship waivers under Bylaw 207, inclusive, for purposes of the District's hardship waiver process.
  - b. Restricted Eligibility Waivers: When a student transfers from District school A to District school B without the student's parent/guardian/caregiver moving into the new school attendance area and the student can prove a hardship as defined in E.4, the student may receive restricted eligibility at District school B. Restricted eligibility is defined as athletic competition, except varsity level competition in sports in which the student has participated in any level of interscholastic competition during the 12 calendar months preceding the date of such transfer.

If a foreign exchange student can prove no previous participation in a specific or related sport or competitive extracurricular activity, said student may apply for a waiver of restricted eligibility in that sport. In specific or related sports in which student has previously participated prior to coming to the United States, the foreign exchange student is ineligible for 365 days.

At a new District school, where the school does not have a varsity level team, a transfer student or foreign exchange student may apply for and may be granted restricted eligibility in sports even where the transfer or foreign exchange student has participated previously in varsity level competition for those sports, provided all other eligibility requirements/conditions are met.

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## CLOVIS UNIFIED SCHOOL DISTRICT

5. Time Frame for CIF 207/510 Paperwork: Under this administrative regulation, parents and student athletes should allow up to 20 school days from the time all completed and appropriate paperwork is received by the athletic director at the student's new school.
6. Appeals of Inter-District Transfers Eligibility Determinations (7-8) and Intra-District or Open Enrollment Transfer Eligibility Determinations (7-12): Intermediate school students (grades 7-8) who have been found ineligible by the Superintendent's designee for interscholastic athletics following an inter-district transfer, as well as intermediate and high school students (grades 7-12) who have been found ineligible for interscholastic athletics by the Superintendent's designee, following an intra-district or open enrollment transfer may appeal the Superintendent's designee's decision as set forth herein to the District's Athletic Panel. (Inter-district transfer eligibility for grades 9-12 students and appeals in relation to same are determined entirely by CIF.)
  - a. The parents/guardians/caregivers of a student may appeal the decision, in writing, describing why student is appealing and how the student complies with the requirements and conditions of CIF and CIF Central Section Bylaw 207 and this administrative regulation. All documents must be delivered to the new school's athletic director.
    - (1) The athletic director will submit the documents received from the student and verbally summarize the information to the Athletic Panel; OR
    - (2) The parents/guardians/caregivers of the student may request the opportunity to verbally summarize the student's information directly to the Athletic Panel in a confidential meeting. If the student does not request the opportunity to meet with the Athletic Panel, the student waives their right to such an opportunity. If the student requests an opportunity to meet with the Athletic Panel, the student will be given 15 minutes to verbally summarize the appeal to the Athletic Panel. The District may have legal representation at the Athletic Panel meeting, if necessary, to present other information regarding the student's eligibility appeal. The District will be given 15 minutes to provide to the Panel relevant information regarding the student's athletic eligibility and appeal, if necessary. Once the appeal is presented, both parties will be asked to leave the room while the Athletic Panel considers the appeal. The Athletic Panel will reconvene and disclose its decision.
  - b. All athletic eligibility and hardship waiver decisions by the Athletic Panel are final, binding, and not subject to further appeals within the District. The student will be notified of the decision from the athletic director of the District school attending and the ruling will be forwarded to the CIF Central Section Commissioner.

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## CLOVIS UNIFIED SCHOOL DISTRICT

- c. The Athletic Panel will be assigned by the Superintendent's designee to determine intermediate and high school (7-12) intra-district and open enrollment transfer eligibility appeals and intermediate school (7-8) inter-district transfer athletic eligibility appeals. The Athletic Panel will include all intermediate and high school athletic directors. In no instance shall the athletic director of the student's old or new school participate as a member of the Athletic Panel on the student's transfer eligibility appeal. However, the athletic director of the student's old and/or new school or other appropriate parties may provide background or information to the Athletic Panel in order for the Athletic Panel to make an informed decision on the student's appeal. Also, the athletic director of the student's old and/or new school may advocate to the Athletic Panel regarding whether the Athletic Panel should or should not grant the student's transfer eligibility appeal.
  - d. Upon the majority vote of a quorum of members present, the Athletic Panel may overturn the Superintendent's designee's decision and grant the student's appeal.
  - e. Because the information utilized and discussed by the Athletic Panel regarding transfer eligibility appeals includes confidential student information, all transfer eligibility appeals and Athletic Panel deliberations will be held in confidential meetings.
  - f. Following a meeting by the Athletic Panel to determine a student's transfer eligibility appeal, the athletic director of the student's new school will inform the student/parent/guardian in person or via phone, within a reasonable period of time, of the Athletic Panel's decision on the student's athletic transfer eligibility appeal. The parents/guardians/caregivers can request the decision be sent in writing if they choose.
7. Valid Residence and Valid Residence Changes: A student may have athletic eligibility under this administrative regulation when the student establishes that a valid full family move (sometimes referred to as "a valid change of residence by the student's entire immediate family") took place and it has been determined that there was no evidence of prior contact, undue influence, or athletic motivation. Athletic eligibility based upon a valid full family move is distinct from athletic eligibility based upon a waiver of ineligibility because of hardship.
- a. Valid Residence: Pursuant to CIF and CIF Central Section Bylaw 206, a valid residence is that location where the student's parents/guardians/caregivers with whom the student lived when the student established eligibility, live with the student and, as a result, use and enjoy that location as a residence. A student (with the student's parents/guardians/caregivers with whom eligibility has been established) may only have one valid residence at a time.

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## CLOVIS UNIFIED SCHOOL DISTRICT

- b. Valid Change of Residence: Determination of what constitutes a valid change of residence depends upon the facts in each case; however, to be considered, the following facts must exist (refer to CIF Central Section Bylaw 206):
- (1) The original residence must be abandoned and vacated as a residence by the immediate family, AND
  - (2) The student's entire immediate family must make the change and take with them all household goods and furniture appropriate to the circumstances. For eligibility purposes, a family unit may not maintain two or more residences; AND
  - (3) The change of residence must be genuine, without fraud or deceit, and with permanent intent.
- c. Multiple Changes in Residence: A student whose family makes a valid move into a new attendance area may be immediately residentially eligible for varsity competition. A subsequent move into a different attendance area by the family (or other family members) during that same school year will result in the student being declared ineligible until cleared for competition by the Athletic Panel.
- d. Proving Valid Change of Residence: Evidence must be submitted that a valid change of residence has occurred. Evidence will include all of the following that are appropriate for the situation:
- (1) Operative telephone and utility service at the student's new residence and terminated at the former residence: (1) activation of bill at new address; (2) cancellation date of bill at former address
  - (2) Proof of paying for utilities at the new residence including phone, gas, electricity, water, cable television, and garbage collection: (1) activation of bill at new address, and (2) cancellation date of bill at former address.
  - (3) Bank statement indicating current and former addresses of new residence;
  - (4) Credit card statement indicating current and former addresses of new resident;
  - (5) Proof of submitting a change of address to the U.S. Postal Service to receive mail at the new residence;
  - (6) Proof of transfer of the parent's/guardian's/caregiver's and age-appropriate student's motor vehicle registration;

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## CLOVIS UNIFIED SCHOOL DISTRICT

- (7) Proof of changed address on the parent's/guardian's/caregiver's and age-appropriate student driver's license;
- (8) Voter registration of the parents/guardians/caregivers listing the new address;
- (9) Real estate documents indicating and verifying a change of residence (sale and purchase, for instance): (1) proof of entering into a long-term lease; (2) court documents indicating a change of residence; (3) property tax receipts; and/or (4) rent payment receipts.
- (10) Declaration of residency executed by the student's parent/guardian/caregiver; or
- (11) Other documentation that a Section or school district may require that establishes that a person is living at the new address.

The athletic director or other District personnel will visit and may revisit the residence to determine that the family is residing in the new residence.

The athletic director or other District personnel will visit the previous residence to determine that it has been abandoned and vacated.

A decision will be rendered once all completed forms have been turned in to the athletic director at the student's new school site. Parents/guardians/caregivers and students should allow up to 20 school days for this process to be completed.

- e. A parent/guardian/caregiver of the student has 30 calendar days after completing a full family move (which must be approved through an intra-district transfer to return to the prior school) between District high school attendance areas to determine which school the student will attend and participate in athletics. However, once the student practices or competes at the new school or old school, the student's athletic eligibility is established at that school.

If student later wants to attend and participate in athletics at the other high school, (where student did not attend or participate after the full family move), the parents/guardians/caregivers must apply for an intra-district transfer and complete the related athletic transfer documentation.



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## CLOVIS UNIFIED SCHOOL DISTRICT

Examples: Student completes a full family move from District School A to District School B during the 10<sup>th</sup> grade year.

- (1) Student moves November 1<sup>st</sup> and decides to go out and practice in a sport at the new school on November 2<sup>nd</sup>. The student is eligible at the new school (District School B) and is no longer eligible at District School A, provided no violations or other circumstances have occurred that would violate this administrative regulation.
  - (2) Student moves November 1<sup>st</sup> and decides to continue with the education at the prior school and continue to participate in sports at the prior school (District School A). Provided the student did not attend school, practice or compete in any sports at the new school, made the decision to continue at District School A within 30 calendar days of completing the move, and student has received the appropriate intra district transfer approvals, the student would be eligible to continue playing sports at the prior school (District School A).
  - (3) Student moves November 1<sup>st</sup> and decides on January 10<sup>th</sup> to return to the previous school (District School A) to play sports. The student would be considered an intra district transfer and would need to adhere to the intra district transfer policy and procedures of this administrative regulation.
8. Undue Influence, Pre-Enrollment Contact, Athletically Motivated Transfers: If the full family move or transfer is determined to involve prior contact (as defined by CIF-Pre-Enrollment Contact), undue influence (as defined by CIF), and/or be athletically motivated, then this may be considered prima facie evidence that the student enrolled in that school, in whole or in part, for athletic reasons. Such determination may cause the student to be ineligible for participation in those sports in which the student participated at the former school and where there was undue influence, pre-enrollment contact, or athletic motivation.
- (a) The use of undue influence by any person(s) to secure or retain a student or the parent(s)/guardian(s)/caregiver as residents may cause the student to be ineligible for District athletics for one year (365 days) and shall jeopardize the standing of that school in the District.

Undue influence is any act, gesture, or communication (including accepting material or financial inducement to attend a District school for the purpose of engaging in District competition regardless of the source) which is performed personally, or through another, which may be objectively seen as an inducement, or part of a process of inducing a student, or his or her parent(s)/guardian(s)/caregiver, by or on behalf of, a member school, to enroll in, transfer to, or remain in a particular school for athletic purposes.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

- (b) Pre-enrollment contact or evidence of an athletically motivated transfer may be considered prima facie evidence (“sufficient evidence”) that the student enrolled in that school in whole or in part for athletic reasons (see Bylaw 200 and 206.C.) and cause the student to be ineligible for participation those sports in which the student participated at the former school.

Athletically motivated pre-enrollment contact of any kind by anyone from, or associated with (defined below), a school or its athletic programs to which a student may transfer or move into the attendance area is not permitted. When a prima facie case (sufficient evidence) of undue influencing/recruiting exists, the student shall be ineligible to represent the new school in interscholastic athletic competition for one calendar year (365 days) from the date of the student’s enrollment in the new school in all sports in which the student participated at any school in the last 12 months and/or the sport with which the coaches referenced herein is associated. A prima facie case of undue influence/recruiting could be rebutted if sufficient proof is presented to the satisfaction of the District designee and/or Section Commissioner that contradicts or disproves the evidence of undue influence/recruiting for athletic reasons.

- (c) Pre-Enrollment Contact: Pre-enrollment contact may include, but is not limited to: (i) any communication of any kind, directly or indirectly, with the student, parent(s)/guardian(s)/caregiver, relatives, or friends of the student about the athletic programs at a school; (ii) orientation/information programs, shadowing programs; (iii) attendance at outside athletic or similar events by anyone associated (see paragraph(2) below) with the school to observe the student; or (iv) participation by the student in programs supervised by the school or its associates before enrollment in the school.

(1) Requirement to Disclose Pre-Enrollment Contact: All transfer students shall submit a completed CIF Pre-Enrollment Contact Affidavit (CIF Form 510) with appropriate transfer application(s) as required by their respective Section under Bylaw 207. Any and all pre-enrollment contact of any kind whatsoever that a student or anyone associated with the student, has had with a person associated with the new school must be disclosed by the student, parent(s)/guardian(s)/caregiver and the new school to the Section office on a completed CIF Pre-Enrollment Contact Affidavit (CIF Form 510). CIF Form 510 is available through the local Section Office.

(2) Definition of Being Associated with a School: Persons associated with a school include, but are not limited to: current or former coaches, current or former athletes, parent(s)/guardian(s)/caregiver of current or former student/athletes, booster club members, alumni, spouses or relatives of coaches, teachers and other employees, coaches who become employed, active applicants for coaching positions, and persons who are employed by companies or organizations that have donated athletic supplies, equipment, or apparel to that school.

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## CLOVIS UNIFIED SCHOOL DISTRICT

### (d) Athletically Motivated Transfers

The CIF and District affirm that athletic competition is an important part of the school experience and that participation in interscholastic athletics is a privilege. The privilege of participation in interscholastic athletics is available to students in District schools. As stated in CIF Bylaw 200.A.(6), the CIF Bylaws and this administrative regulation shall serve as a deterrent to students who transfer or change schools for athletic reasons and to individuals who attempt to recruit (unduly influence) student-athletes or their parents to enroll in a school because of athletics.

As stated in CIF Bylaw 200.A.(2), the CIF Bylaws and this administrative regulation reinforce the principle that students attend school to receive an education first; athletic participation is secondary. CIF Bylaws and District policies provide for individual Section Offices and local districts to limit eligibility for a student when there is evidence the transfer or move is made to acquire athletic participation at their new school (District School B).

Students may be determined by their respective CIF/Section Office, CIF, and/or District to have made an athletically motivated transfer or change in schools if one or more of the following circumstances are determined to have contributed in any way to the transfer or change in schools:

- (1) Evidence of parental or student dissatisfaction with a coach or a coaching decision at the former school. Evidence of this may include, but is not limited to:
  - a. The student or the parent(s)/guardian(s)/caregiver have had a documented verbal disagreement with any member of the former school's coaching staff, anyone associated with the athletic department or any school administrator in the 12 months prior to the student's change in schools regarding the team or any aspect of the team, including but not limited to any aspect of practice, schedules, off season conditioning, club participation, playing time, family conflicts with team activity schedules, coaching decisions about any aspect of the team strategies, player selection, playing time, organizational issues, communication issues; AND/OR
  - b. The student or the student's parents/guardians/caregivers have had a written exchange of any kind (including, but not limited to, email, regular postal mail, written, hand-delivered statements, social media, etc.) with the coach or any member of the former school's coaching staff, anyone associated with the athletic department or any school administrator in the 12 months prior to the student's change in schools regarding the team or any aspect of the team; this, includes, but is not limited to any aspect of practice, schedules, offseason conditioning, club participation playing time, family conflicts with team activity schedules, coaching decisions about any aspect of the team strategies,

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## CLOVIS UNIFIED SCHOOL DISTRICT

player selection, playing time, organizational issues, communication issues;  
and/or

- (2) Transferring to a School after Participating on a Non-School Athletic Team, Camp or Clinic Associated with the School: The student transfers from his or her current school of attendance, with or without a corresponding change of residence, to any high school where the student participates or participated, during the 24 calendar months immediately prior to the transfer, on a non-school athletic team, (i.e. AAU, American Legion, club team, etc.), camp or clinic that is associated with ( defined above)) the new school in the sports previously participated in. A team associated with a school is one that is organized by and/or coached by any member of the coaching staff at, or any other person associated with ( defined above)), that school; and/or, on which the majority of the members of the team (participants in practice and/or competition are students who attend that school); and/or
- (3) Transferring to a School Where a Former High School Coach Has Relocated: The student at any grade level transfers to a new school within one calendar year of the relocation of student's school or club coach to the student's new school of enrollment with or without a corresponding change in residence; and/or
- (4) Other factors that may be considered in support of evidence of athletic motivation. Such evidence of an athletically motivated move may be, but is not limited to:
  - a) Evidence the student's move would result in the assurance the student would gain varsity participation at the new school or result in more playing time; AND/OR
  - b) A move to a school by the student that is believed (objectively or subjectively) to be more competitive or athletically visible; AND/OR
  - c) A demonstrated move or transfer that is prompted by association with club programs or outside agencies that use the facilities of the new school; AND/OR
  - d) The student or the student's parents/guardians/caregivers are quoted in published material, including but not limited to blogs, tweets, social media sites, sports media sites, chat rooms, newspapers, magazines, etc., stating that they are changing schools because of better athletic opportunities at the new school or criticizing the former school's athletic program when discussing the reasons for the transfer; AND/OR
  - e) Evidence that multiple students have transferred or changed schools to participate in a particular sports program at one school; AND/OR
  - f) A demonstrated move or transfer to a school with which the student has had an athletic association; AND/OR

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## CLOVIS UNIFIED SCHOOL DISTRICT

- g) A move or transfer to a school by a student who is associated with outside agencies that use the facilities or personnel at the new school of attendance; AND/OR
- h) The preponderance of credible evidence the move was not made in good faith to secure greater educational advantage for the student.

The standard applied to the evidence of "athletic motivation" is that which is associated with a student move or transfer proffered to a hearing officer or appeals committee is that which a responsible person acting in a thoughtful manner would judge with athletic motivation.

9. The District requires that all information provided in regard to any aspect of the eligibility of a student must be true, correct, accurate, complete and not false or fraudulent.

a) Penalty for Providing Incorrect, Inaccurate, Incomplete, or False Information

(1) If it is discovered that any parent(s)/guardian(s)/caregiver or student has provided incorrect, inaccurate, incomplete, or false information in regards to any aspect of eligibility status on behalf of a student, that student is subject to immediate ineligibility for competition at any level in any sport for a period of up to 24 calendar months from the date the determination was made that incorrect, inaccurate, incomplete, or false information was provided.

(2) If it is discovered that persons associated with the student or the school (coach, teachers, parent(s)/guardian(s)/caregiver, friends, etc.) provided incorrect, inaccurate, incomplete, or false information in order to fraudulently gain favorable eligibility status for a student, that student is subject to immediate ineligibility for competition at any level in any sport for a period of up to 24 calendar months from the determination that incorrect, inaccurate, incomplete, or false information was provided, whether the student was aware of the fraudulent information or not.

b) Definition of Persons Associated With School: Persons associated with a school include, but are not limited to; current or former coaches, current or former athletes, parent(s)/guardian(s)/caregiver(s) of current or former student/athletes, booster club members, alumni, spouses or relatives of coaches, teachers and other employees, coaches who become employed, active applicants for coaching positions, and persons who are employed by companies or organizations that have donated athletic supplies, equipment, or apparel to that school.

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## CLOVIS UNIFIED SCHOOL DISTRICT

### F. Semesters of Eligibility and Team Eligibility for Inter-Scholastic Athletics

#### 1. Elementary School Eligibility.

When a student first enters the fourth grade (regardless if it is a District or non-District school), student has six consecutive semesters in which to complete student's elementary school athletic eligibility.

Example of Administrative Regulation's Application: Student A transfers to a District school from a school outside the District. Student A was in the fifth grade at the prior school and plans on repeating the fifth grade in the District. Because Student A's eligibility started upon entry into the fourth grade at the prior school (regardless of any participation in sports), Student A would have only two semesters of athletic eligibility for the remainder of elementary school enrollment, even though the student enrolls in the fifth grade.

Example of Administrative Regulation's Application: Student B is enrolled in a District school for fourth and fifth grades. Student B then transfers to a school outside of District for the sixth grade. Student B then transfers back to a District school the following year and repeats the sixth grade. Student B would be ineligible for athletics because student has completed six consecutive semesters of elementary school enrollment athletic eligibility: four semesters for fourth and fifth grades in the District, and two semesters for sixth grade at a school outside of the District).

Example of Administrative Regulation's Application: Student C is enrolled in a District school for fourth and fifth grades and then repeats fifth grade in a District school. Because student C's eligibility started upon entry into the fourth grade (regardless of any participation in sports), student would have only two semesters of athletic eligibility for the remainder of elementary school.

#### 2. Intermediate School (Grades 7-8) Eligibility.

When a student first enters seventh grade (regardless if it is a District or non-District school), student has four consecutive semesters in which to complete intermediate school athletic eligibility.

Example of Administrative Regulation's Application: A student begins the seventh grade at a District school, then transfers to a non-District school the following year and repeats the seventh grade. The student then transfers back to a District school the year after and begins the eighth grade. The student would be ineligible for eighth grade athletics since the student has already completed four consecutive semesters since the initial enrollment into the seventh grade.

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## CLOVIS UNIFIED SCHOOL DISTRICT

3. High School (Grades 9-12) Eligibility: When a student first enters ninth grade (regardless if it is a District or non-District school), student has eight consecutive semesters in which to complete student's high school athletic eligibility.
4. Reclassification Eligibility: To determine a student's normal progress toward graduation, the school will use the graduation date of the class the student originally enrolled in at the seventh or ninth grade level that began student's intermediate or high school eligibility.
5. Team Eligibility: A student may participate in athletics only at the level to which the student has been granted eligibility , i.e., restricted or unrestricted eligibility.

### **G. Insurance Coverage**

Insurance protection for student athletes shall be obtained in accordance with Board Policy No. 5143 – Insurance.

### **H. Alternative School Placement or Charter School Placement**

When a student is placed in or attends an alternative school (including Enterprise Independent Study School, Gateway High School, and Community Day School) or charter school, the student will not be eligible to practice or compete with any CIF sanctioned athletic teams in the District.

When a student has been placed in an alternative school for disciplinary reasons, which is also a code of conduct violation under this administrative regulation, upon student's return from the alternative school to a CIF sanctioned campus within the District, the student must go through Code of Conduct hearing at the comprehensive school site to be granted permission to participate in interscholastic athletics. The student must complete all obligations required as a result of the Code of Conduct hearing before rejoining and participating in interscholastic athletic practices or competitions.

Time spent at the alternative school, in some instances, may count towards the time the student is excluded from participating due to discipline (time served). This will be determined on a case-by-case situation. Time served can only count towards days excluded from the sports in which the student participated in prior to alternative school, if at all.

Adopted: 08/10/2005

Amended: 01/18/2006, 10/31/2006, 12/12/2007, 07/08/2009, 09/08/2010, 04/24/2013,  
01/28/2014, 09/30/2017, 11/18/2021 (AR 2505 renumbered as AR 6145)

Doc# 46333-8 (11/2021, 03/2012)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****INSTRUCTION**

Alternative/Specialized Programs

**PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

**PURPOSE:** To establish and maintain procedural safeguards for special education under the Individuals with Disabilities Education Improvement Act in accordance with applicable laws.

The Board recognizes its obligation to provide a free appropriate public education (FAPE) to students with disabilities and to uphold the rights of parents/guardians to be involved in educational decisions regarding their child. Parents/guardians of students with disabilities shall receive written notice of their rights under the federal Individuals with Disabilities Education Act.

Whenever there is a dispute between the District and the parent/guardian of a student with disabilities regarding the identification, assessment, or educational placement of the student or the provision of a FAPE to the student, the Superintendent or designee shall encourage the early, informal resolution of the dispute at the school level to the extent possible. The District or parent/guardian may also request mediation and/or a due process hearing in accordance with law, board policy, and administrative regulation.

The Superintendent or designee shall represent the District in any due process hearing conducted with regard to District students and shall inform the Board about the result of the hearing.

Any compliance complaint alleging the District's noncompliance with federal or state laws or regulations related to the provision of a free appropriate public education to students with disabilities under the Individuals with Disabilities Education Improvement Act shall be filed in accordance with Title 5 of the California Code of Regulations sections 3200-3205.

Adopted: 11/18/2020

**EDUCATION CODE**

56000 Education for individuals with disabilities

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56385 Identification and referral, assessment, eligibility, instructional planning, implementation, review

56440-56447.1 Programs for individuals between the ages of three and five years

56500-56509 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

**CODE OF REGULATIONS, TITLE 5**

3000-3100 Regulations governing special education, especially:



## **CLOVIS UNIFIED SCHOOL DISTRICT**

3080-3089 Procedural safeguards  
3200-3205 Special education compliance complaints

UNITED STATES CODE, TITLE 20  
1232g Family Educational Rights and Privacy Act  
1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29  
794 Section 504 of the Rehabilitation Act

UNITED STATES CODE, TITLE 42  
11434 Homeless assistance

CODE OF FEDERAL REGULATIONS, TITLE 34  
99.10-99.22 Inspection, review and procedures for amending education records  
104.36 Procedural safeguards  
300.1-300.818 Assistance to states for the education of students with disabilities, especially:  
300.150-300.153 State compliance complaints  
300.500-300.520 Procedural safeguards and due process for parents and students

COURT DECISIONS  
Winkelman v. Parma City School District (2007) 550 U.S. 516

Doc# 44617-9 (10/2020, 07/2020)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### INSTRUCTION

Alternative/Specialized Programs

### **PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

#### A. Prior Written Notice

The Superintendent or designee shall send to the parents/guardians of any student with disabilities a prior written notice: (Education Code 56346, 56500.4, 56500.5; 20 USC 1415; 34 CFR 300.102, 300.300, 300.503)

1. Before the District initially refers the student for assessment.
2. Within a reasonable time before the District proposes to initiate or change the student's identification, assessment, educational placement, or the provision of a free appropriate public education (FAPE) to the student.
3. Within a reasonable time before the District refuses to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
4. Within a reasonable time before the student graduates from high school with a regular diploma thus resulting in a change in placement.
5. Upon receipt of the parent/guardian's written revocation of consent for the continued provision of special education and related services to the student.

This prior written notice shall include: (Education Code 56500.4; 20 USC 1415; 34 CFR 300.503)

1. A description of the action proposed or refused by the District.
2. An explanation as to why the District proposes or refuses to take the action.
3. A description of each assessment procedure, assessment, record, or report the District used as a basis for the proposed or refused action.
4. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for assessment, the means by which a copy of the description of procedural safeguards can be obtained.
5. Sources for parents/guardians to obtain assistance in understanding these provisions.
6. A description of any other options that the individualized education program (IEP) team considered and why those options were rejected.

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## CLOVIS UNIFIED SCHOOL DISTRICT

7. A description of any other factors relevant to the District's proposal or refusal.

### B. Procedural Safeguards Notice

A procedural safeguards notice shall be made available to parents/guardians of students with disabilities once each school year and: (Education Code 56301; 20 USC 1415; 34 CFR 300.504)

1. Upon initial referral or parent/guardian request for assessment.
2. Upon receipt of the first state compliance complaint in a school year, filed in accordance with the section "State Compliance Complaints" below.
3. Upon receipt of the first due process hearing request in a school year.
4. In accordance with the discipline procedures pursuant to 34 CFR section 300.530(h), when removal of a student because of a violation of a code of conduct constitutes a change of placement.
5. Upon request by a parent/guardian.

The procedural safeguards notice shall include a full explanation of all of the procedural safeguards available under 34 CFR sections 300.148, 300.151-300.153, 300.300, 300.502-300.503, 300.505-300.518, 300.520, 300.530-300.536, and 300.610-300.625 relating to: (Education Code 56301; 20 USC 1415; 34 CFR 300.504)

1. Independent educational evaluation.
2. Prior written notice.
3. Parental consent, including a parent/guardian's right to revoke consent, in writing, to the student's continued receipt of special education and related services.
4. Access to educational records.
5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for the District to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
6. The availability of mediation.
7. The student's placement during the pendency of any due process complaint.

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## CLOVIS UNIFIED SCHOOL DISTRICT

8. Procedures for students who are subject to placement in an interim alternative educational setting.
9. Requirements for unilateral placement by parents/guardians of students in private schools at public expense.
10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations.
11. State-level appeals.
12. Civil actions, including the time period in which to file those actions.
13. Availability of attorneys' fees pursuant to 34 CFR section 300.517.

This notice shall also include the rights and procedures contained in Education Code sections 56500-56509, including: (Education Code 56321, 56321.5, 56321.6)

1. Information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing.
2. The timelines for completing each process.
3. Whether the process is optional.
4. The type of representative who may be invited to participate.
5. The right of the parent/guardian and/or the District to electronically record the proceedings of IEP meetings in accordance with Education Code section 56341.1.
6. Information regarding the state special schools for students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind.

A copy of this notice shall be attached to the student's assessment plan. At each IEP meeting, the Superintendent or designee shall inform the parent/guardian of the federal and state procedural safeguards that were provided in the notice. (Education Code 56321, 56500.1)

### C. Format of Parent/Guardian Notices

The parents/guardians of a student with a disability shall be provided written notice of their rights in language easily understood by the general public and in their native language or other mode of communication used by them, unless to do so is clearly not feasible. (Education Code 56341, 56506; 34 CFR 300.503, 300.504)

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## CLOVIS UNIFIED SCHOOL DISTRICT

If the native language of other mode of communication of the parent/guardian is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means in the parent/guardian's native language or other mode of communication and that the parent/guardian understands the contents of the notice. (34 CFR 300.503)

The District may place a copy of the procedural safeguards notice on the District's web site. (20 USC 1415)

A parent/guardian of a student with disabilities may elect to receive the prior written notice or procedural safeguards notice by an electronic mail communication. (34 CFR 300.505)

### D. Filing Due Process Complaints

A parent/guardian and/or the District may initiate due process hearing procedures whenever: (Education Code 56501; 20 USC 1415)

1. There is a proposal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
2. There is a refusal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
3. The parent/guardian refuses to consent to an assessment of the student.
4. There is a disagreement between a parent/guardian and the District regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR section 300.148.

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint, which shall remain confidential, specifying: (Education Code 56502; 20 USC 1415; 34 CFR 300.508)

1. The student's name.
2. The student's address or, in the case of a student identified as homeless pursuant to 42 USC section 11434, available contact information for that student.
3. The name of the school the student attends.
4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem.
5. A proposed resolution to the problem to the extent known and available to the complaining party at the time.

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## CLOVIS UNIFIED SCHOOL DISTRICT

Parties filing a due process complaint shall file their request with the state Office of Administrative Hearings, Special Education Division.

The request shall be filed within two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request. This timeline shall not apply if the District misrepresented that it had solved the problem or withheld required information from the parent/guardian. (Education Code 56505; 20 USC 1415; 34 CFR 300.507, 300.511)

### E. District's Response to Due Process Complaints

If the District has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the District shall, within 10 days of receipt of the complaint, send a response specifically addressing the issues in the complaint. (20 USC 1415; 34 CFR 300.508; Education Code 56502)

If the District has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint, the District shall send a response to the parent/guardian within 10 days of receipt of the complaint containing: (20 USC 1415; 34 CFR 300.508):

1. An explanation of why the District proposed or refused to take the action raised in the complaint.
2. A description of other options that the IEP team considered and the reasons that those options were rejected.
3. A description of each assessment procedure, assessment, record, or report the District used as the basis for the proposed or refused action.
4. A description of the factors that are relevant to the District's proposal or refusal.

Upon the filing of a due process complaint by either party or upon request of the parent/guardian, the District shall inform the parent/guardian of any free or low-cost legal and other relevant services available in the area. (34 CFR 300.507)

Within 15 days of the District's receipt of notice of the due process hearing request of the parent, the District shall convene a resolution meeting with the parents and the relevant member(s) of the IEP team who have specific knowledge of the facts identified in the due process hearing request. (Education Code 56501.5)

1. The meeting shall include a District representative who has decision-making authority on behalf of the District.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

2. The meeting shall not include an attorney of the District unless the parent is accompanied by an attorney.
3. The meeting need not be held if the District and the parents agree in writing to waive the meeting or agree to use the due process mediation process.
4. Except where the parties have jointly agreed to waive the resolution process or to use mediation, the failure of the parent filing a due process hearing request to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held. If the District is unable to obtain the participation of the parent after reasonable efforts have been made and documented, the District may, at the conclusion of the 30-day period, request that a hearing officer dismiss the due process hearing request of the parent. If the District fails to hold the resolution meeting within 15 days of receiving notice of a due process hearing request of a parent or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the due process hearing timeline.
5. In the case that a resolution is reached to resolve the due process hearing issue at the resolution meeting, the parties shall execute a legally binding agreement that is signed by both parties and that is enforceable in a state court of competent jurisdiction or in a federal district court of the United States. A party may void the agreement within three business days of the execution of the agreement.

**F. Informal Process/Pre-Hearing Mediation Conference**

Prior to or upon initiating a due process hearing, the Superintendent or designee and a parent/guardian may, if the party initiating the hearing so chooses, agree to meet informally to resolve any issue(s) relating to the identification, assessment, education and placement, or provision of FAPE for a student with disabilities. The Superintendent or designee shall have the authority to resolve the issue(s). (Education Code 56502)

In addition, either party may file a request with the state Office of Administrative Hearings for a mediation conference. (Education Code 56500.3)

If resolution is reached that resolves the due process issue(s), the parties shall enter into a legally binding agreement that satisfies the requirements of Education Code section 56500.3. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****G. State Compliance Complaints**

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization may file with the California Department of Education (CDE) a written and signed statement alleging that, within the previous year, any of the following occurred: (5 CCR 3201, 3202)

1. The District violated Part B of the Individuals with Disabilities Education Act (20 USC 1411-1419) and its implementing regulations (34 CFR 300.1-300.818).
2. The District violated Part 30 of the Education Code (Education Code 56000-56865) and 5 CCR 3200-3205.
3. The District violated the terms of a settlement agreement related to the provision of FAPE, excluding any allegation related to an attorney fees provision in a settlement agreement.
4. The District failed or refused to implement a due process hearing order to which the District is subject.
5. Physical safety concerns interfered with the provision of FAPE.

The complaint shall include: (5 CCR 3202; 34 CFR 300.153)

1. A statement that the District has violated or failed to comply with any provision set forth in 5 CCR section 3201.
2. The facts on which the statement is based.
3. The signature and contact information for the complainant.
4. If alleging violations with respect to a specific student, the student's name and address (or other available contact information for a homeless student), the name of the school that the student is attending, a description of the nature of the student's problem and facts related to the problem, and a proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

The complainant shall forward a copy of the complaint to the Superintendent or designee at the same time the complaint is filed with CDE. (5 CCR 3202)

Within 30 days of the date of CDE's investigation report, the District or complainant may request reconsideration of the decision in accordance with 5 CCR section 3204. Pending CDE's response, any corrective actions set forth in the report shall remain in effect and enforceable, unless stayed by a court. (5 CCR 3204)



## **CLOVIS UNIFIED SCHOOL DISTRICT**

Prior to the issuance of CDE's investigation report, the District and parent complainant may voluntarily engage in mediation through the Office of Administrative Hearings to resolve the dispute by sending a mediation request to CDE. (34 CFR 152) The District and parent complainant may agree in writing to extend the complaint timeline so they can participate in mediation. If they do not resolve their dispute at mediation, CDE will move forward with the investigation.

Adopted: 06/22/2021

Doc# 46433-4 (05/2021, 07/2020)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****INSTRUCTION****Instructional Materials and Equipment****STUDENT USE OF TECHNOLOGY**

**PURPOSE:** To set forth the rights and responsibilities for students use of technology.

The Board intends that technological resources provided by the District be used in a responsible and proper manner in support of the instructional program and for the advancement of student learning.

Students should expect no privacy in the context of personal files, e-mails, or while using the District's technological resources. All student use of District technology may be supervised and monitored. The District's monitoring of technology resources, including Internet usage, can reveal all activities engaged in while using the District's data network.

**A. On-Line Services/Internet Access**

1. The Superintendent or designee shall ensure that all District computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors, and that the operation of such measures is enforced. (20 USC 7131; 47 USC 254; 47 CFR 54.520)
2. The Board desires to protect students from access to harmful matter on the Internet or other on-line services. The Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet while using District technological resources. He/she also shall establish regulations to address the safety and security of students when using electronic mail, chat rooms, and other forms of direct electronic communication.
3. Disclosure, use, and dissemination of personal identification information regarding students are prohibited, unless specified by an existing privacy agreement.

**B. Development and Maintenance of Administrative Regulation**

The Superintendent shall develop and maintain an administrative regulation that addresses protective measures for students while they are using District technological resources and addressing appropriate use of District technological resources.

**C. Contracts with Third Party Providers**

The District will review contracts with third party providers of data management services to ensure compliance with federal and state student privacy laws. Any contracts shall be entered into in accordance with Board Policy No. 3312 – Contracts.

**CLOVIS UNIFIED  
SCHOOL DISTRICT****D. Annual Notice**

The Superintendent or designee will provide an annual written notice to the parents/guardians of students about the District's computers, Internet system, and technology resources, the policies governing its use, and the limitation of liability of the District. Parents/guardians and students must sign a Student User Agreement in Exhibit No. 6163.4. Upon receipt of the executed agreement, the student will be issued an Internet Use Permit (or some other method of designating permission). Parents/guardians have the right at any time to investigate the contents of their child's e-mail files. Parents/guardians have the right to request the termination of their child's Internet access at any time by updating their student's Internet Permission Form and Student User Agreement.

**E. Administrative Responsibilities**

1. The Superintendent, or designee, will serve as the coordinator to oversee the District Internet system. The Superintendent is authorized to develop an administrative regulation and a Student User Agreement for the use of the District Internet system that are in accord with this policy and other District policies.
2. The principal or designee will serve as the school site-level coordinators for the District Internet system, develop site-level procedures necessary to implement this policy and the administrative regulations establish procedures to ensure adequate supervision of students using the District Internet system, maintain executed Student User Agreements, and be responsible for implementing this policy and related administrative regulation at the school site level.
3. To help ensure that the District adapts to changing technologies and circumstances, the Superintendent or designee shall regularly review this board policy, the accompanying administrative regulation, and other procedures. He/she shall also monitor the District's filtering software to help ensure its effectiveness.

**F. Compliance with Law**

This board policy represents the District's good faith efforts to comply with Title II of the Americans with Disabilities Act, Child Internet Protection Act (CIPA), and to increase effective use of its web site.

Adopted: 06/26/2002

Reviewed: 06/22/2007, 03/02/2011

Amended: 01/05/2005, 07/08/2009, 05/09/2012, 11/18/2020 (BP 7205 renumbered as BP 6163.4)

**EDUCATION CODE**

48980 Notice at beginning of term

49073.6 Student records; social media

## CLOVIS UNIFIED SCHOOL DISTRICT

51006 Computer education and resources  
51007 Programs to strengthen technological skills  
60044 Prohibited instructional materials

### PENAL CODE

313 Harmful matter  
502 Computer crimes, remedies  
632 Eavesdropping on or recording confidential communications  
653.2 Electronic communication devices, threats to safety

### UNITED STATES CODE, TITLE 15

6501-6506 Children's Online Privacy Protection Act

### UNITED STATES CODE, TITLE 20

7101-7122 Student Support and Academic Enrichment Grants  
7131 Internet safety

### UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

### CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 Children's Online Privacy Protection Act

### CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

Doc# 44328-8 (10/2020, 07/2015)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### INSTRUCTION

Instructional Materials and Equipment

### STUDENT USE OF TECHNOLOGY

This administrative regulation is applicable to any all students using the District network and refers to all information resources whether individually controlled, or shared, standalone or networked. Individual sites may define “conditions of use” for networks under their control. Such statements shall be consistent with Board Policy No. 6163.4 and this administrative regulation but may provide additional detail, guidelines and/or restrictions. Where such “conditions of use” exist, enforcement mechanisms defined therein shall apply. Where use of external networks is involved, board policies governing such use also are applicable and must be adhered to.

The term “technological resources” refers to computers, Internet and Intranet access, server-based storage, e-mail and voice mail, cloud-based services and accounts to access local or cloud-based systems or services, and other technology tools, and mobile devices.

The term “network” refers to a number of computers and other electronic tools that are connected to each other for the purpose of communication and data sharing.

#### A. Educational Purpose

1. The District network and resources have been established for a limited educational purpose. The term “educational purpose” includes classroom activities, continuing education, online/virtual education and communication with students and families, professional or career development, and high-quality, educationally enriching personal research.
2. The District network and resources have not been established as a public access service or a public forum.
3. The District has the right to place reasonable restrictions on the material that students access or post through the system. Students shall follow the rules set forth in this administrative regulation, the student disciplinary code, and the law in their use of the District network and resources.
4. Students may not use the District network or resources for commercial purposes. They may not offer, provide, or purchase products or services using District resources. For example, they shall not use District email accounts to do anything even when they are at home and on the District network.
5. Students may not use the District network or resources for political lobbying. They may use the system to communicate with elected representatives and to express their opinions on political issues.

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## CLOVIS UNIFIED SCHOOL DISTRICT

### B. Internet Safety Instruction

1. The District will identify and provide age-appropriate instruction on safe and appropriate behavior on social networking sites, chat rooms, and other Internet services for students that includes, but is not limited to:
  - a. The dangers of posting personal information online;
  - b. The dangers of misrepresentation by online predators;
  - c. How to report inappropriate or offensive content or threats; and
  - d. Behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

### C. External Electronic Information Resources

1. Acceptable use of external electronic information resources include but is not limited to:
  - a. Legitimate purposes related to the District's educational mission by providing access to unique resources and an opportunity for collaborative work.
  - b. Assignments that may require students to utilize external electronic information resources. As with any student activity, it is the responsibility of staff members to exercise care in monitoring and supervising, to the best of their ability, such student access to ensure that students use such resources in accordance with District policy.
  - c. Training students in the skills needed to access external electronic resources, the provisions of Board Policy No. 6163.4, and the rules and procedures of the technological resource to which they are gaining access.
  - d. Expecting students to use good judgment at all times to ensure that their activities while online fall within the provisions of Board Policy No. 6163.4.
2. Unacceptable use of external electronic information resources includes, but is not limited to the following:
  - a. Any use of the District's technological resources for illegal, inappropriate, obscene or unauthorized purposes, or in support of such activities, is prohibited. Illegal activities shall be defined as a violation of local, state, and/or federal laws. Inappropriate use shall be defined as a violation of the intended use of the resources, and/or purpose and goal. Obscene activities shall be defined as a violation of generally accepted social standards for use of a publicly-owned and operated communication vehicle.

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## CLOVIS UNIFIED SCHOOL DISTRICT

Restrictions against inappropriate language apply to all speech communicated through the District network or resources, including but not limited to public messages, private messages, and material posted on web pages.

- b. Attempting to gain unauthorized access to the District network or to any other computer system or service or go beyond authorized access. This includes attempting to log in through another person's account or access another person's files.
- c. Attempting to circumvent District security measures and systems including the use of proxies or VPN software to access blocked sites and or anonymous resources (email or otherwise).
- d. Causing a disruption of the District's network or resources due to activities such as peer-to-peer file sharing, denial of service attacks, or other forms of activity that disrupt the District's network, services, or resources.
- e. Using the District network or resources to engage in any other illegal act, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, threatening the safety of a person, etc.
- f. Using obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.
- g. Posting information that could cause damage or a danger of disruption.
- h. Engaging in personal attacks, including prejudicial or discriminatory attacks such as "cyberbullying."
- i. Harassing another person. Harassment is persistently acting in a manner that distresses or annoys another person. When a student is told by a person to stop sending him or her messages, they must stop.
- j. Creating, accessing, storing, 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 or ethnicity, national origin, gender, gender identity, gender expression, sexual orientation, immigration status, age, disability, religion or political beliefs, or any other basis protected by federal or state laws. 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.
- k. Knowingly or recklessly posting false or defamatory information about a person or organization.

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## CLOVIS UNIFIED SCHOOL DISTRICT

- l. Violating the rules of another organization's networks or computing resources.
- m. Using the District's technological resources to engage in commercial activities, product advertisement, soliciting votes, or political lobbying.
- n. Copying or transferring unauthorized copyrighted materials, violating license.
- o. Creating and/or placing a computer virus on any network or device. Deliberate attempts to degrade or disrupt system performance of the network or any other computer system or network on the Internet by spreading computer viruses is considered criminal activity under state and federal law.
- p. Using an impersonation. Real names must be used; pseudonyms are not allowed.
- q. Using the District network or resources to send or receive a message that is inconsistent with the school's code of conduct.
- r. Using the District network or resources to request home phone numbers and, later, making obscene, threatening, or annoying phone calls to the numbers.
- s. Disclosing, using, or disseminating personal identification information about themselves or others when using electronic mail, chat rooms, or other forms of direct electronic communication. Students are also cautioned not to disclose such information by other means to individuals located through the Internet without permission of their parents/guardians. Personal information includes the student's name, address, telephone number, social security number, or other individually identifiable information.
- t. Violating any state or federal law, or any provision of the Education Code.
- u. Using the system to encourage the use of drugs, alcohol or tobacco, nor shall they promote unethical practices or any activity prohibited by law or board policies.
- v. Tampering with computer hardware or software, unauthorized entry into computers, or knowledgeable vandalism or destruction of computer files is prohibited. Such activity is considered a crime under state and federal law.
- w. "Attacking" or arguing with correspondents; persuade them with facts and be polite. Remember to respect differing viewpoints.
- x. Posting messages to groups that the student does not know. The wider a student's network ID is sent out, the more opportunity provided for unwanted messages.
- y. Sending, or encouraging others to send, abusive messages.



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## CLOVIS UNIFIED SCHOOL DISTRICT

- z. Installing software tools that could be used for accessing another system or account.
- aa. Using a teacher's computer for any purpose.
- bb. Deleting, copying or modifying another user's files or data.
- cc. Using the network for bandwidth intensive activities such as network games or transmission of large audio/video files or serving as a host for such activities.

### D. District E-Mail and Online Communications

The District may provide each student with a District email account, which the student may use to transact school assignments, projects, and activities. A District email account also provides students with access to other sources and services, for example, Google accounts and Microsoft Office 365.

1. Acceptable use of District e-mail by students includes, but is not limited to the following:
  - a. Sending messages without interrupting a class or meeting.
  - b. Sending out information to a wide range of people in a nearly instantaneous manner.
  - c. Transmitting documents to a work group.
2. Unacceptable use of District e-mail by students includes, but is not limited to the following:
  - a. Personal business, commercial activity, product advertisement, or political lobbying.
  - b. Transmitting messages that are racist, sexist, inflammatory, threatening, or obscene.
  - c. Using another student's account or a District staff's account . All use of the District's system by a student must be under the student's own email account.
  - d. Reading other users' electronic mail or files without their permission.
  - e. Attempting to interfere with other users' ability to send or receive electronic mail.
  - f. Attempting to delete, copy, modify, or forge other users' mail.

The student in whose name an email account is issued is responsible at all times for its proper use.

Use of any e-mail account or service by the District are not private, including but not limited to, services provided by Google or Microsoft. Messages relating to or in support of illegal activities must be reported to the authorities.

## CLOVIS UNIFIED SCHOOL DISTRICT

The District has the right to monitor any on-line or off-line communications for improper use by students using any District device, system, service, or account. Electronic communications and downloaded material, including files deleted from a user's account, may be monitored or read by District officials to ensure proper use of the system.

### E. Student Cellular Phones and Other Electronic Devices

Students shall not use a cellular phone or other electronic device in an unauthorized manner during instructional time, while riding on a school bus, or at any time while students are under the supervision of District employees. Students may possess and use a cell phone at school when necessary for the health and well-being of the student as determined by a licensed physician and surgeon. Any student cell phones or other devices that are connected to the District's network are subject to this administrative regulation and Board Policy No. 6163.4 and other applicable board policies, including the District's filtering system for access to the Internet.

If a disruption occurs or a student uses any cellular phone or other electronic device for improper activities, a District employee may confiscate the device.

If there is reasonable suspicion the student is violating the law, board policies, administrative regulations, or other rules of the District, District employees may search the cellular phone or other electronic device, including, but not limited to, reviewing messages or viewing pictures and provided the procedures are followed as outlined in Administrative Regulation No. 5145.12. District employees may hold onto a student's cell phone to prevent tampering during the investigation. If confiscated, the device will be returned at a time determined by District employees.

### F. Access to Materials

Students shall not use the District network or resources to access material in violation of the following standards:

1. Prohibited Material. Prohibited material may not be accessed at any time, for any purpose. The District designates the following types of materials as prohibited: obscene materials, child pornography, material that appeals to a prurient or unhealthy interest in, or depicts or describes in a patently offensive way, violence, nudity, sex, death, or bodily functions, materials that promote or advocate satanic group membership, material that has been designated as for "adults" only, and material that promotes or advocates illegal activities.
2. Restricted Material. Restricted material may not be accessed by elementary or middle school students at any time for any purpose. Restricted material may be accessed by high school students in the context of specific learning activities that have been approved by a teacher. Materials that may fall within prohibited material that have clear educational relevance, such as material with literary, artistic, political, or scientific value, will be considered to be restricted. In addition, restricted material includes materials that promote

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## CLOVIS UNIFIED SCHOOL DISTRICT

or advocate the use of alcohol and tobacco, hate and discrimination, cult group membership, school cheating, and weapons. Sites that contain personal advertisements or facilitate making online connections with other people are restricted unless such sites have been specifically approved by the school.

3. Limited Access Material. Limited access material is material that is generally considered to be non-educational or entertainment. Limited access material may be accessed in the context of specific learning activities that are directed by a teacher or during periods of time that a school may designate as “open access” time. Limited access material includes such material as electronic commerce, games, jokes, recreation, entertainment, sports, and investments.

The District has installed a technology protection measure to prevent student access to inappropriate material. The determination of whether a material is appropriate or inappropriate is based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measure.

### G. Privacy and Communication Safety Requirements

1. Personal contact information includes a student’s name together with other information that would allow an individual to locate the student, including, but not limited to, his/her parent/guardian’s name, home address or location, work address or location, or phone number.
  - a. Elementary or middle school students shall not disclose their full name or any other personal contact information for any purpose.
  - b. High school students shall not disclose personal contact information, except to education institutions for educational purposes, companies or other entities for career development purposes, or with specific staff approval.
  - c. As noted above, students shall not disclose names, personal contact information, or any other private or personal information about other students under any circumstances. They will not forward a message that was sent to them privately without permission of the person who sent them the message.
  - d. Students will not agree to meet with someone they have met online without their parent/guardian’s approval and participation.
  - e. Students will promptly disclose to their teacher or other school staff any message they receive that is inappropriate or makes them feel uncomfortable. They should not delete such messages until instructed to do so by District staff.
2. The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such

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## CLOVIS UNIFIED SCHOOL DISTRICT

instruction shall include, but not be limited to, the dangers of posting personal 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.

### H. Plagiarism

Students shall not plagiarize works they find on the Internet or elsewhere. Plagiarism is taking the ideas or writings of others and presenting them as if they were theirs. Students shall also comply with Board Policy No. 6162.6 – Use of Copyright Materials.

### I. System Security and Resource Limits

#### 1. System Security

- a. If a student has a personal domain or e-mail account, he or she is responsible for that personal account and should take all reasonable precautions to prevent others from being able to access it. Under no conditions should students provide their passwords to another person.
- b. Students shall immediately notify a teacher or the system administrator if they have identified a possible security problem. They are not to go looking for security problems, because this may be construed as an illegal attempt to gain access.
- c. Students will avoid the inadvertent spread of computer viruses by following the District virus protection procedures.
- d. Students will not attempt to gain access to a District system or another student or staff member's computer or files by any means, including the use of keyloggers or related software utilities.

#### 2. Resource Limits

As noted above, the District network and resources have been established for a limited educational purpose.

- a. Students shall not download large files unless absolutely necessary.
- b. Students shall not misuse District, school, or personal distribution lists or discussion groups for sending irrelevant messages.
- c. Students shall check their e-mail frequently and delete unwanted messages promptly.

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## CLOVIS UNIFIED SCHOOL DISTRICT

- d. Students shall subscribe only to approve high quality discussion groups that are relevant to school related tasks or career development.
- e. Excessive use of the District network or resources may raise a reasonable suspicion that a student is using the system in violation of District policy and regulations.

### J. Student Rights and Expectations

#### 1. Free Speech

A student's right to free speech and access to information applies to his or her use of the Internet. The District may restrict access to materials for educational or other valid reasons. The District will not restrict access to information and ideas based on viewpoint discrimination. The District network and resources are considered a limited public forum. The District may restrict student speech for educational or other valid reasons. The District will not restrict speech on the basis of a disagreement with the opinions expressed by a student.

#### 2. Privacy

As noted above, students shall expect no privacy in the contents of emails, chat messages, or other files while using any District-issued accounts, systems, services, or devices, including those to access the Internet

All student use of the Internet may be supervised and monitored. The District's monitoring of Internet usage can reveal all activities engaged in while using the District's network or resources.

Routine maintenance and monitoring of the District network and resources may lead to discovery that a student has violated Board Policy No. 6163.4, this administrative regulation, the student disciplinary code, or the law. An individual search will be conducted if there is reasonable suspicion that a student has committed such a violation. The investigation will be reasonable and related to the suspected violation.

Except as prohibited by applicable laws, parents or guardians may request to see the contents of their child's computer issued by the District and/or e-mail files in District accounts at any time.

#### 3. Due Process

The District will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through the District network, resources, services, devices, or accounts.

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## CLOVIS UNIFIED SCHOOL DISTRICT

- a. In the event there is a claim that a student has violated this administrative regulation, the student disciplinary code, or the law in his/her use of the District network or resources, the student will be provided with notice and an opportunity to be heard in the manner set forth in the student disciplinary code.
- b. If the violation also involves a violation of other provisions of the student disciplinary code, it will be handled in a manner described in the code. Additional restrictions may be placed on the student's use of the District network or resources.
- c. It is in the best interest of all users to have a smoothly running, secure network that can be counted on to function when needed. Network administrators are charged with securing the operation of District networks. It is the responsibility of District users to avoid violating security provisions. While some users may possess the knowledge and skills to overcome network security provisions, it would be an ethical violation to do so. Users who identify a security problem should notify the proper authority immediately.
- d. Any user identified as a security risk will be denied access to the information system.
- e. System operators will have access to all user accounts, including but not limited to, electronic mail, network storage, and other services provided by the District. Violations of the use of technology policy or regulation will result in cancellation of the user's access to the system.

### 4. Privileges

The use of the District facilities, data and email systems, accounts, network, devices and other resources is a privilege, not a right, and inappropriate use of them will result in a cancellation of those privileges, disciplinary action, and/or legal action in accordance with law and board policies.

### 5. Vandalism

Students may not engage in vandalism of the District's technological resources. Vandalism is defined as any malicious attempt to harm or destroy data of another user or any other agencies or networks that are connected to the system. This includes, but is not limited to, the uploading or creation of computer viruses or accessing another system. Any vandalism will result in the loss of computer services, disciplinary action, and legal referral.

### K. Limitation of Liability

1. The District does not guarantee that the functions or services provided through the District network or resources will be without error.

## **CLOVIS UNIFIED SCHOOL DISTRICT**

2. The District is not responsible for any damage a student may suffer, including but not limited to, loss of data, interruption of service, or exposure to inappropriate material or people.
3. The District is not responsible for the accuracy or quality of the information obtained through the system, caused by the District, the District's negligence or by the user's errors or omissions.
4. The District is not responsible for financial obligations arising out of the use of the District's network or resources by any students. Parents or guardians will be held financially responsible for any harm that may result from their child's use of the District network or resources.

Adopted: 01/05/2005

Amended: 06/22/2007, 06/18/2008, 07/08/2009, 03/02/2011, 05/09/2012, 07/01/2021 (AR 7205  
renumbered as AR 6163.4)

Doc# 44329-4 (06/2021, None)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****INSTRUCTION**

Instructional Materials and Equipment

**STUDENT USE OF TECHNOLOGY**

The Student User Agreement is set forth on the following page and shall be used in accordance with Board Policy and Administrative Regulation No. 6163.4.

Adopted: 01/05/2005

Reviewed: 06/22/2007, 07/08/2009, 03/02/2011

Amended: 10/26/2006, 06/18/2008, 07/01/2021 (EXH 7205 renumbered as EXH 6163.4)

Doc# 46467-3 (06/2021, 07/2015)





**EXHIBIT NO. 6163.4**

Technology Resources Use  
**STUDENT USER AGREEMENT**

Student Name (*print name*): \_\_\_\_\_

School Site: \_\_\_\_\_ ID#: \_\_\_\_\_

I understand that the Clovis Unified School District (District) may provide me access to the District's technological resources for educational purposes, and that this access is a privilege, not a right. I acknowledge that inappropriate use of the District's technological resources shall result in a cancellation of my student user privileges, disciplinary action, and/or legal action in accordance with law, Board Policy and Administrative Regulation No. 6163.4, and other applicable District board policies.

I have read, understand, and will abide by Board Policy and Administrative Regulation No. 6163.4 regarding Student Use of Technology. I have also read, understand, and agree to be bound by this Student User Agreement.

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PARENT SIGNATURE:** By signing below, I acknowledge that I have reviewed and understand this Student User Agreement and agree to be bound by its terms and conditions. I further understand that my child will have access to use the Internet, which my child may use to independently access information through the Web, receive e-mail communications through a class account and engage in other educationally relevant electronic communication activities, and provide personal information to others for education or career development reasons or as approved by school staff. Moreover, I have reviewed the Limitation of Liability set forth in Paragraph K of Administrative Regulation No. 6163.4 and agree on behalf of my child and myself to be bound by its provisions.

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

Parent/Guardian (*print name*): \_\_\_\_\_

Doc# 46467-3 (06/2021, 07/2015)

**CLOVIS UNIFIED  
SCHOOL DISTRICT****INSTRUCTION****Alternative/Specialized Programs****IDENTIFICATION AND EVALUATION OF STUDENTS FOR SPECIAL EDUCATION  
UNDER THE INDIVIDUALS WITH DISABILITIES IMPROVEMENT ACT (IDEA)**

**PURPOSE:** To establish District policy regarding identification and evaluation of individuals for special education under the federal IDEA, and the provision of an independent educational evaluation (IEE) under both state and federal law if a parent/guardian disagrees with a District-conducted evaluation.

The Board recognizes the need to actively seek out and evaluate District residents from birth to age 21 who have disabilities to provide them with appropriate educational opportunities in accordance with state and federal law.

The Superintendent or designee shall establish a comprehensive system that includes procedures for the identification, screening, referral, and regular and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the education and related services provided to such individuals. (Education Code 56301)

The District's identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)

The Superintendent or designee shall notify parents/guardians, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the right to consent to any assessment concerning their child. In addition, the Superintendent or designee shall notify parents/guardians of procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

A parent/guardian of a child with a disability has the right to request an independent educational evaluation (IEE) at public expense if the parent/guardian disagrees with the District's evaluation(s) for special education and related services. Upon receiving an IEE request, the District shall, without unnecessary delay, either file a due process complaint requesting an order from the Office of Administrative Hearings that the District's evaluation is appropriate so that the District does not have to fund the IEE or fund the IEE. Therefore, the Board has adopted this policy and directs the Superintendent to establish and maintain an administrative regulation to implement this policy, setting out the rights of parents/guardians and the responsibilities of the District with regard to IEEs.

Adopted: 06/90

Amended: 05/13/1992, 06/21/1995, 07/19/06, 03/24/10, 11/18/2020 (BP 3507 renumbered as BP 6164.4)

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

## EDUCATION CODE

56000-56885 Special education programs, especially:

56195.8 Adoption of policies

56300-56304 Identification of individuals with disabilities

56320-56331 Assessment

56333-56338 Eligibility criteria for specific learning disabilities

56340-56347 Instructional planning and individualized education program

56381 Reassessment of students

56425-56432 Early education for individuals with disabilities

56441.11 Eligibility criteria, children ages 3-5

56445 Transition to grade school; reassessment

56500-56509 Procedural safeguards

## GOVERNMENT CODE

95000-95029.5 California Early Intervention Services Act

## CODE OF REGULATIONS, TITLE 5

3021-3029 Identification, referral and assessment

3030-3031 Eligibility criteria

## UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1412 State eligibility

1415 Procedural safeguards

## CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.301-300.306 Evaluations and reevaluations

Doc# 44624-9 (10/2020, 11/2010)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### INSTRUCTION

Alternative/Specialized Programs

### **IDENTIFICATION AND EVALUATION OF STUDENTS FOR SPECIAL EDUCATION UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEA)**

#### **A. Referrals for Special Education Services**

A student shall be referred for special education instruction and services only after the resources of the regular education program have been considered and used where appropriate. (Education Code 56303)

All referrals from school staff for special education and related services shall include a brief reason for the referral and description of the regular program resources that were considered and/or modified for use with the student and, when appropriate, the results of intervention. (5 CCR 3021)

Upon receipt of a referral of any student for special education and related services, the District either: (1) shall develop an evaluation plan within 15 days of receipt (not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days, unless the parent/guardian agrees, in writing, to an extension), or (2) send prior written notice to the parent/guardian of the District's decision to decline to evaluate the student. If the referral is made within 10 days or less prior to the end of the student's regular school year or term and the District elects to evaluate the student, the evaluation plan shall be developed within 10 days after the beginning of the next regular school year or term. (Education Code 56043, 56321)

Before the initial provision of special education and related services to a student with a disability, the District shall conduct a full and individual initial evaluation of the student. (Education Code 56320; 34 CFR 300.301)

1. Evaluation Plan. The evaluation plan shall meet all of the following requirements: (Education Code 56321)
  - a. Be in a language easily understood by the general public.
  - b. Be provided in the native language of the parent/guardian or other mode of communication used by the parent/guardian unless it is clearly not feasible to do so.
  - c. Explain the types of evaluation to be conducted.
  - d. State that no individualized education program (IEP) will result from the evaluation without parent/guardian consent.

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## CLOVIS UNIFIED SCHOOL DISTRICT

2. Prior Written Notice. Before conducting an initial evaluation, the District shall provide the parent/guardian with prior written notice. In addition, as part of the evaluation plan, the parent/guardian shall receive written notice that includes all of the following information: (Education Code 56329; 34 CFR 300.304)
  - a. Upon completion of the administration of tests and other evaluation materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled. At this meeting, the team shall determine whether or not the student is a student with a disability(ies), as defined in Education Code section 56026, and shall discuss the evaluation, the educational recommendations, and the reasons for the recommendations.
  - b. When making a determination of eligibility for special education, the District shall not determine that the student is disabled if the primary factor for such determination is lack of appropriate instruction in reading (including the essential components of reading instruction as defined in 20 USC 6368) or in mathematics, limited English proficiency, limited school experience, poor school attendance, environmental, cultural or economic disadvantage, temporary physical disability, or social maladjustment. (Education Code 56026, 56329; 5 CCR 3030; 34 CFR 300.309)
  - c. A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent/guardian.
  - d. If the parent/guardian disagrees with an evaluation conducted by the District, he/she has the right to obtain, at public expense, an independent educational evaluation (IEE) of the student from qualified specialists in accordance with the procedures set forth in 34 CFR 300.502, which include the District's right, upon receipt of a request for an IEE, to elect either to fund the IEE or to request a due process hearing to show that its evaluation is appropriate. (Education Code 56500-56508) If the District requests a due process hearing and the final decision resulting from the due process hearing is that the District's evaluation is appropriate, the parent/guardian maintains the right to obtain an IEE, but not at public expense. (Please see the IEE section later in this administrative regulation for more information.)
  - e. If the parent/guardian obtains an IEE at private expense, the results of the IEE shall be considered by the District with respect to the provision of a free appropriate public education (FAPE) to the student, and may be presented as evidence at a due process hearing regarding the student.
  - f. If the parent/guardian proposes a publicly-financed placement of the student in a nonpublic school, the District shall have an opportunity to observe the proposed placement and, if the student has already been unilaterally placed in the nonpublic school by his/her parent/guardian, the student in that proposed placement.

**CLOVIS UNIFIED  
SCHOOL DISTRICT****B. Parent/Guardian Consent for Evaluation**

Upon receiving the proposed evaluation plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the initial evaluation. The District shall not interpret parent/guardian consent for initial evaluation as consent for initial placement or initial provision of special education services. (Education Code 56321; 34 CFR 300.300)

1. Informed Consent. Informed parental consent means that the parent/guardian: (Education Code 56021.1; 34 CFR 300.9)
  - a. Has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought.
  - b. Understands and agrees, in writing, to the carrying out of the activity for which his/her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom.
  - c. Understands that the granting of consent is voluntary on his/her part and may be revoked at any time.
  - d. Understands that if he/she revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).
2. Reasonable Efforts. The District shall make reasonable efforts to obtain the informed consent of the parent/guardian for an initial evaluation or reevaluation of a student. The District shall maintain a record of its attempts to obtain consent, including: (Education Code 56321, 56341.5; 34 CFR 300.300, 300.322)
  - a. Detailed records of telephone calls made or attempted and the results of those calls.
  - b. Copies of correspondence sent to the parent/guardian and any responses received.
  - c. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits.
3. Lack of Consent. If a parent/guardian refuses to consent to the initial evaluation or fails to respond to a request to provide consent, the District may, but is not required to, pursue an evaluation by utilizing the procedural safeguards, including mediation and due process procedures. (Education Code 56321; 34 CFR 300.300, 300.506-300.516)

For a student who is a ward of the state and not residing with his/her parent/guardian, the District may conduct an initial evaluation without obtaining informed consent if any of the following situations exists: (Education Code 56321.1; 34 CFR 300.300)

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## CLOVIS UNIFIED SCHOOL DISTRICT

- a. Despite reasonable efforts to do so, the District cannot discover the whereabouts of the parent/guardian of the student.
- b. The rights of the parent/guardian of the student have been terminated in accordance with California law.
- c. The rights of the parent/guardian to make educational decisions have been subrogated by a judge in accordance with California law, and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

The District need not obtain parent/guardian consent before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students, unless consent is required from the parents/guardians of all students. (Education Code 56321; 34 CFR 300.300)

### **C. Conduct of the Evaluation**

1. **Timeline**. The District shall complete the determination as to whether the student is a student with a disability, conduct the initial evaluation to determine his/her educational needs, and develop an IEP within 60 days (not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five schooldays) of receiving informed parent/guardian consent for the evaluation. (Education Code 56043, 56344; 34 CFR 300.300, 300.301)
2. **Evaluation Requirements**. The evaluation shall be conducted by qualified personnel, as determined by the District, who are competent to perform the assessment. (Education Code 56320, 56322)

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for the purpose of determining eligibility for special education and related services. (34 CFR 300.302) In conducting the evaluation, the District shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student. The District also shall use any information provided by the parent/guardian that may assist the District in making the determination as to whether the student is a student with a disability and, if so, the necessary components of his/her IEP when the IEP is developed, including information related to enabling the student to be involved in and to progress in the general education curriculum. (34 CFR 300.304)

The District's evaluation shall not use any single measure or assessment as the sole criterion for determining whether a student is a student with a disability and for determining the appropriate educational program for the student. The assessment shall use technically sound

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors. (34 CFR 300.304)

The District shall also ensure that assessments and other evaluation materials provide relevant information that assists in determining the student's educational needs and are compliant with the requirements of Education Code section 56320. (Education Code 56320; 34 CFR 300.304)

Students shall be assessed in all areas related to the suspected disability, including, if appropriate, health and development, vision (including low vision), hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. When appropriate, a developmental history shall be obtained. The District shall ensure that the evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs whether or not commonly linked to the disability category in which the student has been classified. (Education Code 56320; 34 CFR 300.304)

As part of the initial evaluation (if appropriate) and any reevaluation, the IEP team and other qualified professionals shall, if appropriate, review existing evaluation data on the student, including evaluations and information provided by the parents/guardians, current classroom-based local or state assessments and classroom-based observations, and observations by teachers and related services providers. On the basis of that review and input from the student's parent/guardian, the team shall identify what additional data, if any, are needed to determine: (Education Code 56381; 34 CFR 300.305)

- a. Whether the student is a student with a disability, or in the case of a reevaluation, whether the student continues to have a disability, and the educational needs of the student
- b. The present levels of academic achievement and related developmental needs of the student
- c. Whether the student needs, or continues to need, special education and related services
- d. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in his/her IEP and to participate, as appropriate, in the general education curriculum

Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year shall be coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible to ensure prompt completion of full evaluations. (34 CFR 300.304)



**CLOVIS UNIFIED  
SCHOOL DISTRICT****D. Eligibility Determination**

1. Determining Eligibility. Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent/guardian shall convene as an IEP team and determine whether the student is a student with a disability and, if so, his/her educational needs. In interpreting the data, the group shall draw information from a variety of sources, including aptitude and achievement tests, parent/guardian input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior. The group shall ensure that the information obtained from these sources is documented and carefully considered. (34 CFR 300.306)
2. Evaluation Report. The personnel who evaluate the student shall prepare a written report of the results of each evaluation and the written report must comply with Education section Code 56327. When making a determination of eligibility for special education, the District shall not determine that the student is disabled if the primary factor for such determination is lack of appropriate instruction in reading (including the essential components of reading instruction as defined in 20 USC 6368) or in mathematics, limited English proficiency, limited school experience, poor school attendance, environmental, cultural or economic disadvantage, temporary physical disability, or social maladjustment. (Education Code 56026, 56329; 5 CCR 3030; 34 CFR 300.309)
3. IEP Timelines. The following timelines shall apply:
  - a. Once a student has been referred for an initial assessment to determine whether the student is a student with a disability and to determine the educational needs of the student, these determinations shall be made, and an IEP team meeting shall occur within 60 days (not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five schooldays) of receiving parental consent for the assessment. (Education Code 56043, 56344) The 60-day time period does not apply if either of the following occurs: (Education Code 56302.1)
    - 1) A student enrolls in a school served by the District after the relevant time period has commenced but prior to a determination by his or her previous district of whether the student is a student with a disability as long as the District is making sufficient progress to ensure a prompt completion of the assessment, and the parent and District agree to a specific date by which the assessment shall be completed.
    - 2) The parent of the student repeatedly fails or refuses to produce the student for the assessment.
  - b. A meeting to develop an initial IEP shall be conducted within 30 days of a determination that the student needs special education and related services. (Education Code 56043, 56344; 34 CFR 300.323)

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**CLOVIS UNIFIED  
SCHOOL DISTRICT**

- c. An IEP required as a result of an assessment of a student shall be developed within a total time not to exceed 60 calendar days (not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five schooldays) from the date of receipt of the parent's/guardian's written consent for assessment, unless the parent/guardian agrees in writing to an extension. (Education Code 56043, 56344)
- d. An IEP required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year as determined by the District's calendar for each student for whom a referral has been made 30 days or less prior to the end of the regular school year. In the case of student school vacations, the 60-day time shall recommence on the date that student schooldays reconvene. (Education Code 56344)

**4. IEP**

- a. The District shall develop an IEP pursuant to Administrative Regulation No. 6159 for a student who has been determined to be eligible for special education and related services through the evaluation process.
- b. A student who has been determined to be eligible for special education and related services who violates a code of school conduct shall be disciplined in accordance with the procedures set forth in Administrative Regulation No. 5144.

**E. Independent Educational Evaluation****1. Definitions (Education Code 56329; 34 CFR 300.502)**

"Independent educational evaluation (IEE)" means an evaluation conducted by a qualified examiner who is not employed by the District.

"Public expense" means that the District either pays for the full cost of the independent educational evaluation within the established guidelines set out in District or SELPA policy or ensures that the evaluation is provided at no cost to the parent/guardian.

**2. Notification to District**

The parents/guardians of a student with a disability have the right to obtain an IEE at public expense under the same criteria that the District uses for a District-initiated evaluation. A parent/guardian must notify the District that they are requesting an IEE at public expense because the parent/guardian disagrees with a District evaluation.

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## CLOVIS UNIFIED SCHOOL DISTRICT

3. District Response to Parent/Guardian Request for an IEE
  - a. Upon receipt of a request for an IEE at public expense from a parent/guardian, the District shall, without unnecessary delay either:
    - 1) ensure that the evaluation is provided at public expense; or
    - 2) request a due process hearing for a determination as to whether the District's evaluation is appropriate. (34 CFR 300.502)
  - b. Upon receipt of the IEE request, the District will provide the parent/guardian with a Notice of Procedural Safeguards and information regarding where to obtain an IEE and the District criteria applicable to IEEs. (34 CFR 300.502)
  - c. With the agreement of the parent/guardian, the District may confer with the parent/guardian in order to agree in advance as to specific areas of suspected disability that will be addressed in an IEE to be completed by a qualified professional from another Special Education Local Plan Area (SELPA) or a diagnostic school.
  - d. If the District initiates a due process hearing and the final decision is that the District's evaluation is appropriate, the parent/guardian is not entitled to an IEE at public expense; however, the parent/guardian still has the right to obtain an IEE at private expense. (34 CFR 300.502)
  - e. The District may ask a parent/guardian why he or she disagrees with the District's evaluation, but may not require the parent/guardian to provide an explanation and may not unreasonably delay either providing the IEE at public expense or filing a request for due process to request a hearing to defend the District's evaluation. (34 CFR 300.502)
4. District Criteria
  - a. If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria the District uses when it initiates an evaluation to the extent those criteria are consistent with the parent's right to an IEE. Those criteria include, but are not limited to, the following: (34 CFR 300.502)
    - 1) The IEE must be completed by a qualified professional:
      - a) Psychological assessments must be completed by Licensed Educational Psychologists or Clinical Psychologists.
      - b) Speech/language assessments must be completed by Licensed Speech Pathologists.

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## CLOVIS UNIFIED SCHOOL DISTRICT

- c) Occupational Therapists and Physical Therapists must be graduates from an accredited school; Physical Therapists must be licensed by the Board of Medical Quality Assurance; Occupational Therapists must be currently registered with the American Occupational Therapist Association.
  - d) Other professionals must meet minimum requirements as set out in District criteria. A list of these requirements may be obtained from the District Special Education Office.
- 2) The IEE must evaluate one or more areas of suspected disability and be conducted for the purpose of determining a student's educational needs;
  - 3) The IEE assessor must provide a written report of the IEE's findings to the District.
  - 4) The cost of the evaluation must not exceed reasonable rates prevailing in the District's geographical area. See the District Special Education Office for the current list of reasonable rates;
  - 5) The independent examiner shall follow all guidelines for District evaluations, which include, but are not limited to, observing the student in an appropriate setting, classroom visitations, and interviews with parents and staff. If the District observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation of the student, an equivalent opportunity shall apply to the IEE. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of the District's proposed placement and setting, if any, regardless of whether the IEE is initiated before or after the filing of a due process hearing proceeding. (Education Code 56329)
  - 6) The independent examiner shall attend the IEP team meeting at which the IEE is presented in person, by telephone, or by virtual means. If an IEE is at public expense, the District shall pay the independent examiner to attend the IEP team meeting.

### 5. Parent/Guardian Initiated Evaluations

If a parent/guardian obtains an IEE at public expense or provides the District with an evaluation obtained at private expense, the results of the evaluation:

- a. must be considered by the District in any decision made with respect to the provision of FAPE to the student; however, the District is not obligated to adopt the recommendations set out in any IEE. (Education Code 56329)
- b. may be presented by any party as evidence at a hearing on a due process complaint regarding the student. (34 CFR 300.502)

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## CLOVIS UNIFIED SCHOOL DISTRICT

### 6. No Reimbursement

- a. The District is not obligated to reimburse the parent/guardian for any private evaluation that does not meet all District IEE criteria or that was completed prior to the date the District's own evaluation was completed. (34 CFR 300.502)
- b. Unless otherwise agreed to by the District, reimbursement for the costs of an IEE funded at public expense shall not be made by the District until parent/guardian or the IEE assessor has provided the District with a full and complete copy of the IEE report.
- c. A parent/guardian is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent/guardian disagrees. (Education Code 56329; 34 CFR 300.502)

### F. Reevaluation

A reevaluation shall be conducted when the District determines that the educational or related service needs of the student, including improved academic achievement and functional performance, warrant a reevaluation or if the student's parent/guardian or teacher requests reevaluation. Such reevaluations shall occur every three years, unless the parent/guardian and District agree in writing that a reevaluation is unnecessary. A reevaluation may not occur more than once a year, unless the parent/guardian and the District agree otherwise. (Education Code 56043, 56381; 34 CFR 300.303)

The District shall ensure that any reevaluations of the student are conducted in accordance with the evaluation procedures pursuant to 34 CFR 300.304-300.311. (34 CFR 300.303)

Prior to transitioning a student with a disability from a preschool program to kindergarten, or first grade as the case may be, an appropriate reevaluation of the student shall be conducted to determine if the student is still in need of special education and related services. IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs to ensure that gains made are not lost by a rapid removal of individualized programs and supports for these children. (Education Code 56445)

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