

**UNIFORM COMPLAINT PROCEDURES**

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

**Complaints Subject to UCP**

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, 52334.7, 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 and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8498)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content, when students in grades 9-12 are assigned to such courses more than one week in any semester or in a course the student has previously satisfactorily completed, unless specified conditions are met (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
11. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 51059; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)
14. Migrant education (Education Code 54440-54445)

**Uniform Complaint Procedures (continued)**

15. Physical education instructional minutes (Education Code 51210, 51222, 51223)
  16. Student fees (Education Code 49010-49013)
  17. Reasonable accommodations to a lactating student (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. State preschool programs (Education Code 8235-8239.1)
  23. State preschool health and safety issues in license-exempt programs (Education Code 8235.5)
  24. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who acted to uncover or report a violation
  25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate
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1. ~~Any complaint alleging district violation of applicable state or federal law or regulations governing any program subject to the UCP which is offered by the district, including adult education programs; After School Education and Safety programs; agricultural career technical education; federal career technical education; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; California State Preschool Programs, and any other district implemented state categorical program that is not funded through the local control funding formula pursuant Education Code 64000~~
  2. ~~Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, pregnancy, marital or parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)~~
  3. ~~Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding related needs of the student (Education Code 222)~~

**Uniform Complaint Procedures (continued)**

- ~~4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)~~
- ~~5. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)~~
- ~~6. Any complaint alleging district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)~~
- ~~7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)~~
- ~~8. Any complaint, by or on behalf of any student who is a foster youth as defined in Education Code 51225.2, alleging district noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)~~
- ~~9. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code 49701, or migrant student as defined in Education Code 54441, or by or on behalf of an immigration student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1)~~
- ~~10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging district noncompliance with any requirement for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.2)~~

**Uniform Complaint Procedures (continued)**

- ~~11. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)~~
- ~~12. Any complaint alleging district noncompliance with the physical education instructional minutes requirement (Education Code 51210, 51222, 51223)~~
- ~~13. Any complaint regarding noncompliance of a licensed exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations (Education Code 8235.5; Health and Safety Code 1596.7925)~~
- ~~14. 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~~
- ~~15. Any other complaint as specified in a district policy~~

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

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

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

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

**Uniform Complaint Procedures (continued)**

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

**Non-UCP Complaints**

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency. (5 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing exempt facilities, be referred to the appropriate Child Development regional administrator. (5 CCR 4611)
3. Any complaint alleging ~~fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education~~ employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 – Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
4. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 – Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
5. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 – Nutrition Program Compliance. (5 CCR 15580-15584)
6. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)
7. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with AR 1312.4 – Williams Uniform Complaint Procedures. (Education Code 35186)

**Uniform Complaint Procedures (continued)**

~~Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030—Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.~~

~~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 student or staff, teacher vacancies and misassignments, or health and safety violations in any license-exempt California State Preschool Program shall be investigated and resolved in accordance with the procedures in AR 1312.4—Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)~~

*Legal Reference:*EDUCATION CODE*200-262.4 Prohibition of discrimination**222 Reasonable accommodations; lactating students**8200-8498 Child care and development programs**8500-8538 Adult basic education**18100-18203 School libraries**32280-32289 school safety plan, uniform complaint procedures**33380-33384 California Indian Education Centers**35186 Williams uniform complaint procedures**44500-44508 California Peer Assistance and Review Program for Teachers**48853-48853.5 Foster youth**48985 Notices in language other than English**49010-49013 Student fees**49060-49079 Student records**49490-49590 Child nutrition programs**49701 Interstate Compact on Educational Opportunity for Military Children**51210 Courses of study grades 1-6**51223 Physical education, elementary schools**51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; course credits; graduation requirements**51226-51226.1 Career technical education**51228.1-51228.3 Course periods without educational content**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**52500-52616.24 Adult schools**54000-54029 Economic Impact Aid**54400-54425 Compensatory education programs**54440-54445 Migrant education**54460-54529 Compensatory education programs**56000-56867 Special education programs**59000-59300 Special schools and centers**64000-64001 Consolidated application process*GOVERNMENT CODE*11135 Nondiscrimination in programs or activities funded by state*

**Uniform Complaint Procedures (continued)***Legal Reference (continued):*

12900-12996 *Fair Employment and Housing Act*  
HEALTH AND SAFETY CODE  
 104420 *Tobacco-Use Prevention Education*  
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  
 3080 *Application of section*  
 4600-4687 *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*  
 6301-6577 *Title I basic programs*  
 6801-7104 *Title III language instruction for limited English proficient and immigrant students*  
 7101-7184 *Safe and Drug-Free Schools and Communities Act*  
 7201-7283g *Title V promoting informed parental choice and innovative programs*  
 7301-7372 *Title V rural and low-income school programs*  
 12101-12213 *Title II equal opportunity for individuals with disabilities*  
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*  
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*  
 100.3 *Prohibition of discrimination on basis of race, color or national origin*  
 104.7 *Designation of responsible employee for Section 504*  
CODE OF FEDERAL REGULATIONS, TITLE 34  
 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*

**Policy**

adopted: 09/22/1992

Revised: 02/11/1997; 01/25/2000; 05/13/2003

Revised: 03/13/2007; 06/12/2007; 10/26/2010

Revised: 06/11/2013; 05/27/2014; 02/10/2015

Revised: 06/28/2016; 09/27/2016; 09/12/2017

Revised: 06/26/2018; 09/24/2019; 06/23/2020

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

## UNIFORM COMPLAINT PROCEDURES

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

### Compliance Officers

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

West Covina Unified School District  
Assistant Superintendent – Human Resources  
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The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against or implicating a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias may be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

**Uniform Complaint Procedures (continued)**

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

**Notifications**

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

The Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committees members, appropriate private school officials or representatives, and other interested parties. ~~The notification shall include information regarding the prohibition of discrimination, harassment, intimidation, and bullying; unlawful student fees; local control and accountability plan (LCAP) requirements; and requirements related to the educational rights of foster youth, homeless students, former juvenile court school students, and children of military families. (Education Code 262.3, 48853, 48853.5, 49010-49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)~~

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

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

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

**Uniform Complaint Procedures (continued)**

The notice shall:

1. A statement that the District is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in section "Complaints Subject to UCP" in the accompanying Board policy
2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the District's educational program, including curricular and extracurricular activities
4. A statement that a UCP complaint ~~regarding student fees~~ must be filed no later than one year from the date the alleged violation occurred
5. A statement that the District will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the District, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
6. ~~Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints~~ The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
7. A statement that complaints will be investigated in accordance with the District's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
8. A statement that the complainant has a right to appeal the District's decision to CDE by filing a written appeal, including a copy of the original complaint and the District's decision, within 15 days of receiving the District's decision
9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable
10. A statement that copies of the District's UCP are available free to charge
11. A statement that, in the case of a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, a UCP complaint must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct

**Uniform Complaint Procedures (continued)****District Responsibilities**

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

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigation and resolving the complaint.

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

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

**Filing of Complaints**

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received.

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

All complaints shall be filed in accordance with the following:

1. A written complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board Policy – Complaints Subject to UCP may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

**Uniform Complaint Procedures (continued)**

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant or alleged victim of unlawful discrimination requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
6. A UCP complaint shall be filed no later than one year from the date alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approved the LCAP that was adopted by the Board. (5 CCR 4630)

**Mediation**

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

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

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

**Uniform Complaint Procedures (continued)**

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

**Investigation of Complaint**

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

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

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

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

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

**Uniform Complaint Procedures (continued)**

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

**Report of Findings**

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

**Final Written Decision**

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

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

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

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

1. The findings of fact based on the evidence gathered. ~~In reaching a factual determination, the following factors may be taken into account:~~
  - a. ~~Statements made by any witnesses~~
  - b. ~~The relative credibility of the individuals involved~~
  - c. ~~How the complaining individual reacted to the incident~~
  - d. ~~Any documentary or other evidence relating to the alleged conduct~~
  - e. ~~Past instances of similar conduct by any alleged offenders~~
  - f. ~~Past false allegations made by the complainant~~
2. The conclusion(s) of providing a clear determination for each allegation as to whether the district is in compliance with the relevant law

**Uniform Complaint Procedures (continued)**

3. ~~Disposition of the complaint~~ Corrective Action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. ~~Rationale for such disposition~~ Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district had used the UCP to address a complaint not specified in 5 CCR 4610  
~~For complaints of retaliation or unlawful discrimination, the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred. Additionally, the determination of whether a hostile environment exists may involve consideration of the following:~~
  - a. ~~How the misconduct affected one or more students' education~~
  - b. ~~The type, frequency, and duration of the misconduct~~
  - c. ~~The relationship between the alleged victim(s) and offender(s)~~
  - d. ~~The number of persons engaged in the conduct and at whom the conduct was directed~~
  - e. ~~The size of the school, location of the incidents, and context in which they occurred~~
  - f. ~~Other incidents at the school involving different individuals~~
5. ~~Procedures to be followed for initiating an appeal to CDE~~ Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600; for complaints of unlawful discrimination, the notice may, as required by law, include:
  - a. ~~The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint~~
  - b. ~~Individual remedies offered or provided to the subject of the complaint~~
  - c. ~~Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence~~
6. ~~Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal~~

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

For complaints alleging unlawful discrimination based on state law, the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)

**Uniform Complaint Procedures (continued)**

3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

**Corrective Actions**

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

For complaints involving retaliation or unlawful discrimination, appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

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

For complaints involving retaliation or unlawful discrimination, appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

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

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

## **Uniform Complaint Procedures (continued)**

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

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 52075)

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

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

Any complainant who is dissatisfied with the district's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013, 52075; 5 CCR 4632)

~~When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with the CDE.~~

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

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 at least one of the following:

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

**Uniform Complaint Procedures (continued)**

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

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

**Regulation**

adopted: 09/22/1992

Revised: 06/1995; 02/1997; 01/2000; 09/2002; 04/2003

Revised: 05/2003; 01/2005; 04/2006; 02/2007; 03/2007

Revised: 01/2008; 10/2010; 07/2012; 06/11/2013; 05/27/2014

Revised: 11/10/2015; 06/28/2016; 09/27/2016; 06/26/2018

Revised: 09/24/2019; 06/23/2020

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

**SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY**

The Governing Board believes that ~~the district should utilize its facilities and resources in the most~~ should be utilized in an economical and practical manner. The Superintendent or designee shall periodically study the current and projected use of all district facilities to ensure the efficient utilization of space for the effective delivery of instruction.

Prior to the sale or lease of any surplus real property, the Board shall appoint a district advisory committee to advise the Board regarding the use or disposition of schools or school building space which is not needed for school purposes. ~~(Education Code 17388-17389)~~ The Board may elect not to appoint a district advisory committee for any of the following: (Education Code 17388, 17391)

1. A rental of property for a period of time not exceeding 30 days
2. A lease or rental of surplus property to a private educational institution for the purpose of offering summer school
3. A sale, lease, or rental of surplus property to be used for teacher or other employee housing
4. Until July 1, 2024, a sale or lease of surplus property that has not previously operated, or was not constructed to be operated, as an early childhood education facility or a school for elementary or secondary instruction

~~Upon determination that district property is no longer needed, or may not be needed until some future time, the Board shall first submit a report to the local planning agency as to what real property the district intends to offer for sale or lease. Not less than 40 days after issuance of the report to the local planning agency, and prior to entering into any agreement for sale or lease of district real property, the Board shall offer to sell or lease district-owned real property in accordance with priorities and procedures specified in applicable law. (Education Code 17230, 17387-17391, 17457.5, 17464, 17485-17500; Government Code 54222, 65402)~~

~~In addition, when selling real property purchased, constructed, or modernized with funds received within the past 10 years from a school facilities funding program, the Board shall consider whether any of the proceeds from the sale will need to be returned to the State Allocation Board (SAB) pursuant to Education Code 17462.3.~~

In addition, to ensure that the proposed disposition of the property conforms with any general plan adopted by the local planning agency that affects or includes the area where the surplus property is located, the Board shall submit a report to the local planning agency describing the location of the surplus property and the purpose and extent of the proposed sale or lease. (Government Code 65402)

**Sale or Lease of District-Owned Real Property (continued)**

The board shall determine whether the sale or lease of the surplus property is subject to review under the California Environmental Quality Act. (Public Resources Code 21000-21177; 14 CCR 15061-15062)

The Board may meet in closed session with its real property negotiator prior to the sale or lease of real property by the district in order to grant its negotiator authority regarding the minimum price or rent and terms of the sale or lease. (Government Code 54956.8)

When selling or leasing district real property, the Board shall comply with applicable procedures and give priority to specified public agencies as required by law. (Education Code 17230, 17464, 17485-17499; Government Code 54222)

**Resolution of Intention to Sell or Lease**

Before ordering the sale or lease of any real property, the Board shall adopt a resolution by a two-thirds vote of all of its members at a regularly scheduled open meeting. The resolution shall describe the property proposed to be sold or leased in such a manner as to identify it, specify the minimum price or rent, describe the terms upon which it will be sold or leased, and specify the commission or rate, if any, which the Board will pay to a licensed real estate broker out of the minimum price or rent. The resolution shall fix a time, not less than three weeks thereafter, for a public meeting, held at the Board's regular meeting place, at which sealed proposals to purchase or lease will be received and considered. (Education Code 17466)

The Superintendent or designee shall provide notice of the adoption of the resolution and of the time and place of the meeting that will be held to consider bids by posting copies of the resolution, signed by the Board, in three public places not less than 15 days before the date of the meeting. In addition, the notice shall be published at least once a week for three successive weeks before the meeting, in a newspaper of general circulation published in the county in which the district is located, if such a newspaper exists. (Education Code 17469)

~~In accordance with Education Code 17470, At least 60 days prior to the public meeting, the Superintendent or designee shall take reasonable steps to provide notification to the former owners of the property of the district's intent to sell it. written notification of the public meeting, by certified mail, to the former owner from whom the district acquired the property. (Education Code 17470)~~

**Sale or Lease of District-Owned Real Property (continued)****Acceptance/Rejection of Bids**

At the public meeting specified in the resolution of intention to sell or lease property, the Board shall open, examine, and declare all sealed bids. Before accepting a written proposal, the Board shall call for oral bids in accordance with law. (Education Code 17472, 17473)

The Board may reject any and all bids, either written or oral, and withdraw the properties from sale when the Board determines that rejection is in the best public interest. If no proposals are submitted, or the submitted proposals do not conform to all the terms and conditions specified in the resolution of intention to lease, the Board may lease the property in accordance with Education Code 17477. (Education Code 17476, 17477)

Of the proposals submitted by responsible bidders which conform to all terms and conditions specified in the resolution of intention to sell or lease, the Board shall finally accept the highest bid after deducting the commission, if any, to be paid to a licensed real estate broker, unless the Board accepts a higher oral bid or rejects all bids. (Education Code 17472)

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478)

**Use of Proceeds**

The Superintendent or designee shall ensure that the proceeds from the sale, or lease with an option to purchase, ~~of district surplus property are used in accordance with law. (Education Code 17462; 2 CCR 1700)~~ of surplus district property are used for one-time expenditures and not for ongoing expenditures such as salaries and general operating expenses. (Education Code 17462; 2 CCR 1700)

~~Pursuant to the authorization in Education Code 17463.7, the district may expend proceeds from the sale of surplus real property, along with the proceeds from any personal property located on that real property, for any one-time general fund purpose(s). Before the district exercises this authority: (Education Code 17463.7)~~

Proceeds from a sale of surplus district property shall generally be used for capital outlay or maintenance costs that the Board determines will not recur within a five-year period. Proceeds from a lease of district property with an option to purchase may be deposited into a restricted fund for the routine repair of district facilities, as defined by the SAB, for up to a five-year period. (Education Code 17462)

**Sale or Lease of District-Owned Real Property (continued)**

However, if the Board and SAB determine that the district has no anticipated need for additional sites or building construction for the next 10 years and no major deferred maintenance requirements, the proceeds from the sale or lease with an option to purchase may be deposited in a special reserve fund for the future maintenance and renovation of school sites or in the district's general fund. (Education Code 17462)

In addition, until July 1, 2024, if district surplus property was purchased entirely with local funds, the proceeds from the sale or lease of the property, together with any personal property located on the property, may be deposited into the general fund of the district and may be used for any one-time general fund purpose. Before exercising this authority, the Board shall: (Education Code 17463.7)

1. Submit to SAB documents certifying that the sale of real property does not violate the provisions of a local bond act and the real property is not suitable to meet projected school construction needs for the next 10 years

2. At a public meeting, adopt a plan for expending one-time resources from the sale or lease of the property which identifies the source and intended use of the surplus property proceeds and describes the reasons that the expenditure will not result in ongoing fiscal obligations for the district

Whenever the district sells real property that was purchased, improved, or modernized with funds that were received from a state school facilities funding program within the previous 10 years, the district shall notify OPSC within 90 calendar days of the sale of the property if the proceeds from the sale are not used for capital outlay and the property is not sold to a charter school, another school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services. If SAB subsequently makes a finding that the sale is subject to Education Code 17462.3, the district shall return the funds to the SAB within 90 calendar days of the finding. (2 CCR 1702)

1. The Board shall submit documents to the SAB certifying that:-

- a. The district has no major deferred maintenance requirements not covered by existing capital outlay resources.—
- b. The sale of real property pursuant to Education Code 17463.7 does not violate the provisions of a local bond act.—
- c. The real property is not suitable to meet projected school construction needs for the next 10 years.—

**Sale or Lease of District-Owned Real Property (continued)**

2. ~~The Superintendent or designee shall present to the Board, at a regularly scheduled meeting, a plan for expending these one-time resources. The plan shall identify the source and use of the funds and shall describe the reasons that the expenditure shall not result in ongoing fiscal obligations for the district.~~

*Legal Reference:*EDUCATION CODE*17219-17224 Acquisition of property not utilized as school site; nonuse payments; exemptions**17230-17234 Surplus property**17385 Conveyances to and from school districts**17387-17391 Advisory committees for use of excess school facilities**17400-17429 Leasing property**17430-17447 Leasing facilities**17453 Lease of surplus district property**17455-17484 Sale or lease of real property, especially:*~~*17457.5 Offer to charter school*~~*17462.3 State Allocation Board program to reclaim funds*~~*17463.7 Proceeds for general fund purposes*~~*17485-17500 Surplus school playground (Naylor Act)**17515-17526 Joint occupancy**17527-17535 Joint use of district facilities**33050 Request for waiver**38130-38139 Civic Center Act*GOVERNMENT CODE*50001-50002 Definitions**54220-54232 Surplus land, especially:**54222 Offer to sell or lease property**54950-54963 Brown Act, especially:**54952 Legislative body, definition*PUBLIC RESOURCES CODE*21000-21177 California Environmental Quality Act*CODE OF REGULATIONS, TITLE 2~~*1700 Definitions related to surplus property*~~~~*1700-1702 Surplus property; use of proceeds*~~COURT DECISIONS*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District, (2006) 139 Cal.App. 4th 1356*ATTORNEY GENERAL OPINIONS*94 Ops. Cal. Atty. Gen. 82 (2011)*

## ***PROPOSED NEW ADMINISTRATIVE REGULATION***

### **Business and Noninstructional Operations**

AR 3530(a)

#### **Risk Management**

The Superintendent or designee, in consultation with risk management, insurance, safety, or other professionals as appropriate, shall:

1. Identify the risks inherent in district operations and programs, including physical sites, educational and experiential programs, computer networks and systems, employment and staffing, and transportation services, using methods that may include, but are not limited to, physical inspections, surveys, staff interviews, compliance reviews, contract reviews, review of policies and procedures, and consultation with experts
2. Analyze, evaluate, and prioritize identified risks based on the frequency and likelihood of the risk and the potential impact to the district
3. Develop strategies to reduce or mitigate identified risks, such as new or modified policies, processes, or procedures; training or loss prevention programs; and/or additional or repairs to equipment, real property, computer networks, or other physical assets
4. Implement strategies to promote safety and prevent loss, taking into account the nature of the risks, the associated exposures, and the costs and benefits associated with the proposed response
5. Mitigate potential loss following an incident through activities such as effective claims management, litigation management, disaster recovery, or a modified duty program for workers' compensation

The Superintendent or designee shall advise the Governing Board of any needed action requiring Board approval.

Following any incident resulting in potential or actual harm or injury to a person or damage to property, staff shall promptly document the date and time of the incident, a description of the incident, and any persons present.

Employees are expected to take reasonable precautions for the care and safety of the school equipment with which they have been entrusted. Employees may be held responsible for recurring damage or losses that occur due to their negligence or lack of supervision. Responsibilities related to safety and loss control shall be included in employee job descriptions.

**Risk Management** (continued)

**Insurance**

Insurance or risk pooled coverage shall include, but not be limited to:

1. Liability insurance (Education Code 35200-35214)
2. Insurance against fire or other property damage (Education Code 17565)
3. Workers' compensation insurance (Labor Code 3700)
4. Fidelity bond insurance for employees whose duty includes handling district funds, and other employees as needed (Education Code 41021)

Regulation  
approved:

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

## SEXUAL HARASSMENT

### Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the district.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student'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, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors

**Sexual Harassment** (continued)

2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

The district designates the following individual(s) as the responsible employee(s) to coordinate it's efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures, as well as to oversee, investigate, and resolve sexual harassment complaints processed under AR 4030 – Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

Assistant Superintendent – Human Resources  
1717 W. Merced Ave.  
West Covina, CA 91790  
626-939-4600  
[HR@wcusd.org](mailto:HR@wcusd.org)

**Training**

~~The Superintendent or designee shall ensure that all employees receive information regarding the district's sexual harassment policies when hired and periodically thereafter. Such information shall include the procedures for reporting and/or filing complaints involving an employee; employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.~~

At least every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment. All ~~such~~ newly hired ~~or promoted~~ employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee with the authority to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or to effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

**Sexual Harassment** (continued)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies for preventing harassment in the workplace
5. Supervisor's obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed; employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received
12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation
13. Prevention of abuse conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

## **Sexual Harassment (continued)**

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11023)

### **Notifications**

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

**Sexual Harassment** (continued)

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

All complaints and allegations of sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 4119.12/4219.12.4319.12 – Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 4030 – Nondiscrimination in Employment.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

Regulation

approved: 05/14/2002

Revised: 04/2006; 06/28/2016; 02/14/2017; 05/08/2018

Revised: 11/10/2020

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

**TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

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, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints or allegations shall be investigated and resolved in accordance with ~~responded to pursuant to~~ AR 4030 - Nondiscrimination in Employment. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under AR 4030 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for AR 4030 are concurrently met while implementing the Title IX procedure.

~~A report of sexual harassment shall be submitted directly to or forwarded to the district's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 -- Sexual Harassment.~~

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case but will receive notices as required by the Title IX regulations at specific points in the complaint process.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

## **Title IX Sexual Harassment Complaint Procedures (continued)**

The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

### **Reporting Allegations/Filing a Formal Complaint**

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 – Sexual Harassment or to the employee's direct supervisor or other district administrator, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

### **Supportive Measures**

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall 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 shall be non-disciplinary, non-punitive, and not unreasonably burden 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, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of campus. which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

The district shall 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)

**Title IX Sexual Harassment Complaint Procedures (continued)****Emergency Removal**

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)

If the respondent is a student, the district may, on an emergency basis, remove the 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)

**Dismissal of Complaint**

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

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

If the complaint is dismissed, the conduct may still be addressed pursuant to AR 4030 – Nondiscrimination in Employment as applicable.

~~If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to AR 4030 – Nondiscrimination in Employment as applicable.~~

## **Title IX Sexual Harassment Complaint Procedures (continued)**

### **Informal Resolution Process**

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. 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)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

### **Formal Complaint Process**

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting 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, the district investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.
3. 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
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

**Title IX Sexual Harassment Complaint Procedures (continued)**

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator. ~~provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.~~

During the investigation process, the district shall: (34 CFR 106.45)

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, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
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. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, 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
9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the 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

## **Title IX Sexual Harassment Complaint Procedures (continued)**

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.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

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 the Title IX requirements.

### **Written Decision**

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the 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.

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the district shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

**Title IX Sexual Harassment Complaint Procedures (continued)**

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting 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 decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision 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

**Appeals**

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the determination, 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. Either party has the right to file a complaint with the U.S. Equal Employment Opportunity Commission.

## **Title IX Sexual Harassment Complaint Procedures (continued)**

A written decision shall be provided to the parties within 30 calendar days from the receipt of the appeal.

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.

### **Remedies**

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. (34 CFR 106.45)

### **Disciplinary Actions**

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

### **Record-Keeping**

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom.

**Title IX Sexual Harassment Complaint Procedures (continued)**

2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances.
3. All materials used to train the Title IX Coordinator, investigator(s), decision-makers(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.

~~The Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)~~

~~The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)~~

*Legal Reference (see next page):*

## **Title IX Sexual Harassment Complaint Procedures (continued)**

### *Legal Reference:*

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

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

Regulation  
approved: 11/10/2020

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

## POLITICAL ACTIVITIES OF EMPLOYEES

The Governing Board recognizes the importance of political activity, voting, and civic engagement, and respects the right of district employees to engage in political discussions and activities as individuals on their own time and at their own expense. When engaging in such activities, employees shall make it clear that they are acting on their own behalf and not as representatives of the district ~~believes that district employees have an obligation to prevent the improper use of school time, materials or facilities for political campaign purposes. The Superintendent or designee shall provide administrative regulations concerning political activities on school property.~~

~~The Board respects the right of school employees to engage in political activities on their own time. Like other citizens, they have the right to use schools for meetings under the Civic Center Act. Such use shall in no way interfere with the use of the facilities for school purposes.~~

~~When engaging in political activities, employees shall make it clear that they are acting as individuals and not as representatives of the district.~~

District employees, as members of the community, may use school facilities for meeting, including political activities, as permitted under the Civic Center Act and district policy.

Employees shall refrain from prohibited activities identified in law, Board policy, and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

### *Legal Reference:*

#### EDUCATION CODE

7050-7057 *Political activities of school officers and employees*

38130-38139 *Civic Center Act*

51520 *Prohibited solicitations on school premises*

#### GOVERNMENT CODE

3543.1 *Rights of employee organizations*

#### COURT DECISIONS

*Downs v. Los Angeles Unified School District*, (9<sup>th</sup> Cir. 2000) 228 F.3d 1003

*California Teachers Association v. Governing Board of San Diego Unified School District*, (1996) 45 Cal. App. 4<sup>th</sup> 1333

*L.A. Teachers Union v. L.A. City Board of Education*, (1969) 71 Ca.2d 551

### Policy

adopted: 12/10/1991

Revised: 02/11/1997; 02/25/2003

### WEST COVINA UNIFIED SCHOOL DISTRICT

West Covina, California

## ***PROPOSED REVISED ADMINISTRATIVE REGULATION***

**All Personnel**

AR 4119.25(a)

4219.25

4319.25

### **POLITICAL ACTIVITIES OF EMPLOYEES**

No employee shall be prohibited from soliciting or receiving political funds or contributions to promote the support or defeat of a ballot measure during nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day.

District employees shall not:

1. Use district funds, services, supplies, equipment, work hours, or other public resources to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054, 7056; Government Code 8314)
2. Use the district's seal in any campaign literature or mass mailing with the intent to deceive voters, including, but not limited to, the use of a reproduction or facsimile of the seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by the Board, a Board member, or the district
3. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)
4. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures
5. Use district equipment for the preparation or reproduction of political campaign materials
6. Post or distribute political campaign materials in classrooms, through distance learning platforms, or on district property
7. Disseminate political campaign materials through the district's mail or email service
8. Use students to write, address, or distribute political campaign materials
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of all perspectives
10. Wear buttons, hats, or other articles of clothing that express political opinions on ballot measures or candidates during instructional time

### **Political Activities of Employee Organizations**

Employee organizations shall not use district funds, services, supplies, or equipment, such as staff mailboxes or the district mail system, to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

AR 4119.25(b)

4219.25

4319.25

**Political Activities of Employees** (continued)

No employee organization or its officers, agents, or representatives shall be prohibited from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure during nonworking time. (Education Code 7056)

Regulation

approved: 12/10/1991

Revised: 02/11/1997; 02/25/2003

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

## ***PROPOSED REVISED ADMINISTRATIVE REGULATION***

**All Personnel**

AR 4157(a)

4257

4357

### **EMPLOYEE SAFETY**

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

#### **Injury and Illness Prevention Program**

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program.
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but not be limited to:
  - a. Recognition of employees who follow safe and healthful work practices
  - b. Training and retraining programs
  - c. Disciplinary actions
3. A system for communicating with employees, in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but not be limited to:
  - a. Meetings
  - b. Training programs
  - c. Posting
  - d. Written communications
  - e. A system of anonymous notification by employees about hazards
  - f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
  - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
  - b. Whenever the district is made aware of a new or previously unrecognized hazard

**Employee Safety (continued)**

5. A procedure for investigating occupational injury or illness.
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered. When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided necessary safeguards.
7. Provision of training and instruction as follows:
  - a. To all new employees
  - b. To all employees given new job assignments for which training has not previously been received
  - c. Whenever new substances, processes, procedures, or equipment is introduced into the workplace and represents a new hazard
  - d. Whenever the district is made aware of a new or previously unrecognized hazard
  - e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee. When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy. The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.
2. Unobstructed access to the district's injury and illness prevention program through the district's server or web site, which allows an employee to review, print, and email the current version of the district's injury and illness prevention program

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3203)

## **Employee Safety (continued)**

### **Hearing Protection**

Whenever employee noise exposure equals or exceeds the standards specified in law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

### **Eye Safety Devices**

Eye safety devices shall be worn by employees whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause injury to the eyes. (Education Code 32030-32034)

### **First Aid and Medical Services**

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a district facility or district grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness.

**Employee Safety (continued)**

3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate.

**Protection from Communicable Diseases and Infections**

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or non-casual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of district facilities and equipment.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

**COVID-19 Exposure**

If the district receives notice of potential exposure to COVID-19, the Superintendent or designee shall, within one business day of the notice, take all of the following actions: (Labor Code 6409.6)

1. Provide a written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual within the infectious period that they may have been exposed to COVID-19. The notice shall be provided in a manner normally used to communicate employment-related information, which may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending.
2. Provide a written notice to the exclusive representative, if any, of employees who were on the premises within the infectious period

**Employee Safety (continued)**

3. Provide all employees who may have been exposed and the exclusive representative, if any, with information regarding:
  - a. COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws, including, but not limited to, workers' compensation
  - b. Available leave options for exposed employees
  - c. Anti-retaliation and antidiscrimination protections of the employee
4. Notify all employees, and the employers of subcontracted employees and the exclusive representative, if any, of the disinfection and safety plan that the district plans to complete in accordance with Centers for Disease Control and Prevention guidelines

The above notifications shall be maintained for a period of at least three years. (Labor Code 6409.6)

If the district is notified of the number of cases that meet the definition of a COVID-19 outbreak, as defined by the California Department of Public Health, within 48 hours, the Superintendent or designee shall, within 48 hours of the notice, notify the local public health agency of the names, number, occupation, and worksite of employees who meet the definition of a qualifying individual. The Superintendent or designee shall continue to give notice to the local health department of any subsequent laboratory-confirmed cases of COVID-19 at the worksite. (Labor Code 6409.6)

In the event that Cal/OSHA prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of COVID-19 infection and constitutes an imminent hazard to employees, the district shall post a notice thereof provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the place of employment, operation, or process is made safe and the required safeguards or safety appliances or devices are provided. (Labor Code 6325)

Regulation  
approved: 12/10/1991  
Revised: 11/2010

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

## ***PROPOSED NEW ADMINISTRATIVE REGULATION***

**All Personnel**

AR 4157.1(a)

4257.1

4357.1

### **WORK-RELATED INJURIES**

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday.

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations, Division of Workers Compensation.

### **Work-Related Injuries (continued)**

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

### **Claims Related to COVID-19**

Until January 1, 2023, an employee is presumed to be entitled to workers' compensation benefits for illness or death resulting from COVID-19 if the diagnosis was made within 14 days after the employee performed labor or services at the place of employment and if the employee contracted COVID-19 during an outbreak at the employee's specific place of employment. (Labor Code 3212.86, 3212.88)

For this purpose, an outbreak means that, within 14 calendar days, one of the following occurs at a specific place of employment: (Labor Code 3212.88)

1. If a specific place of employment has 100 employees or fewer, four employees test positive for COVID-19.
2. If a specific place of employment has more than 100 employees, four percent of the number of employees who reported to the specific place of employment test positive for COVID-19.
3. A specific place of employment is ordered to close by a local public health department, the California Department of Public Health, Cal/OSHA, or the Superintendent due to a risk of infection with COVID-19.

AR 4157.1(c)  
4257.1  
4357.1

**Work-Related Injuries** (continued)

The Superintendent or designee may rebut a presumption that COVID-19 was contracted during the course and scope of employment by offering evidence to the Workers' Compensation Appeals Board, such as the measures that were in place at the employee's specific place of employment to reduce potential transmission of COVID-19 and evidence of an employee's non-occupational risk of contracting COVID-19. (Labor Code 3212.86, 3212.88)

Regulation  
approved:

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

**WORK PERMITS**

The Governing Board recognizes that many students hold jobs. Part-time jobs can give these students needed supplementary income, valuable work experience, and enhanced self-esteem.

The Board also recognizes that all school-aged persons should acquire an education and that work permit laws exist to prevent outside employment from impairing a student's health and educational progress. Before accepting employment, students must obtain work permits which school authorities have been given the responsibility of issuing.

The Superintendent or designee shall issue work permits only to the extent that outside employment will not significantly interfere with the student's schoolwork. ~~Students granted work permits must maintain satisfactory grades. Students 16 or 17 years of age shall be granted approval to work more than 20 hours a week only when justified by unusual circumstances, which shall be stated on the work permit.~~ Students granted work permits shall be required to demonstrate and maintain a 2.0 grade point average and satisfactory school attendance, except during periods of extended school closure due to an emergency as described in Education Code 49200 and the accompanying administrative regulation. On a case-by-case basis, the Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation. Work permits shall be limited to part-time employment as defined by law, except when the Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

Any student authorized to work full time when school is in session shall be enrolled in part-time continuation classes. A student age 14 or 15 who receives a permit to work full time shall also be enrolled in a work experience education program.

*Legal Reference:*EDUCATION CODE*48231 Entrance into attendance area within ten school days of end of term**49110-49119 Permits to work**49130-49135 Permits to work full time**49140-49141 Exceptions**49164 Inspection; cancellation or revocation*LABOR CODE*1285-1312 Employment of minors**1391-1399 Working hours for minors**Management Resources:**CDE Management Advisories**1016.89 Local work permit policies*

## Policy

adopted: 12/10/1991

Revised: 10/08/1996

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

## WORK PERMITS

Before accepting employment, a student under the age of 18 who is subject to the state's compulsory attendance law, including a student who has not yet graduated from high school or has not received a certificate of proficiency, shall obtain a work permit.

A work permit shall not be required for a student who is not receiving pay or financial reimbursement for services rendered in volunteer services or educational purposes, is not in an employer-employee relationship in accordance with the Fair Labor Standards Act, is serving as an unpaid trainee or volunteer or in an in-school placement, and has submitted written parent/guardian permission

In addition, a student shall not be required to obtain a work permit if the student is self-employed; is working at odd jobs such as yard work and babysitting in private homes where the student is not regularly employed; is a self-employed news carrier delivering newspapers to consumers on a regular route; is employed in agricultural, horticultural, viticultural, or domestic labor during non-school hours when the work is performed for or under the control of the parent/guardian and is performed upon or in connection with premises the parent/guardian owns, operates, or controls; or is otherwise exempted by law.

The following individuals are authorized to issue a work permit to a student in the district: (Education Code 49110)

1. The Superintendent
2. An employee holding a services credential with a specialization in pupil personnel services or a certificated work experience education teacher or coordinator, when authorized by the Superintendent in writing
3. A principal, or another school administrator designated by the principal, provided that the principal or designee:
  - a. Provides a self-certification that the principal or designee understands the requirements of law for issuing a work permit
  - b. Does not issue a work permit to the principal's or designee's own child

If the person designated to issue work permits is not available and delay in issuing a permit would jeopardize a student's ability to secure work, the Superintendent may temporarily authorize another person to issue the permit. (Education Code 49110)

**Work Permits (continued)**

1. No work permit shall be issued until the student's parent/guardian, foster parent, or residential shelter service provider has filed a written request with the district. (Education Code 49110)
2. The extent to which outside employment may be approved shall be determined by the Superintendent or designee, based on the student having satisfactory grades and attendance and on at least one of the student's teacher's advice to determine whether the student has the time, stamina, motivation, and maturity to maintain academic progress while working.
3. After issuing a work permit, the Superintendent or designee shall periodically inspect the student's scholastic and attendance records.
4. The Superintendent or designee shall revoke a student's work permit whenever he/she determines that employment is impairing the student's health or education. (Education Code 49164)
5. Each permit shall authorize work for a specified employer. Whenever a student changes employers, he/she shall request a new permit
6. The student may be issued more than one work permit if he/she works concurrently for more than one employer, provided that the total number of hours worked does not exceed the total number of hours allowed by law and the district
7. The Superintendent or designee may revoke a work permit issued by a principal of a public or private school located within the district if the Superintendent or designee becomes aware of any grounds upon which the student may be deemed ineligible for a work permit under law
8. The Superintendent or designee shall retain a copy of the work permit application and the work permit until the end of the fourth year after the work permit was issued

**Approval Process**

The Superintendent or designee shall have discretion to determine whether or not to issue the work permit.

## **Work Permits (continued)**

In determining whether to approve a work permit, the Superintendent or designee shall verify the student's date of birth, the type of work permit to be issued, and whether the student meets any other criteria established by the Governing Board. The Superintendent or designee may inspect the student's records and/or may confer with at least one of the student's teachers for evidence of satisfactory grades and school attendance and to determine whether the student possesses the motivation and maturity to maintain academic progress while working.

However, a work permit shall not be denied based on a student's grades, grade point average, or school attendance under either of the following circumstances: (Education Code 49120, 49200)

1. The student's school has been physically closed for an extended time due to a natural disaster, pandemic, or other emergency.
2. The student is applying for a work permit in order to participate in a government-administered employment and training program that will occur during the regular summer recess or vacation of the student's school.

Students shall not be approved to work in environments declared hazardous or dangerous for young workers or otherwise prohibited by child labor law.

The Superintendent or designee shall ensure that the requested work hours do not exceed the maximum work hours specified in law based on the student's age and whether the employment will occur while school is in session and/or not in session.

### **Permits to Work When School Is Not In Session**

Students 12 through 17 may receive a permit to work on a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance because he/she arrived from another state within ten days before the end of the school term. (Education Code 49111)

### **Permits to Work Part Time When School Is In Session**

The district may issue a permit authorizing employment while school is in session, including employment connected with a work experience education program pursuant to Education Code 51760-51769.5, to a student 14-17 years of age.

1. A student 16 or 17 who has completed the seventh grade may receive a permit to work outside of school hours for no more than four hours on any day on which the student is required by law to attend school. (Education Code 49112) The following exceptions shall apply:

**Work Permits (continued)**

- a. The four-hour limit may be exceeded for students 16 or 17 years of age who are employed in a school-approved work experience or cooperative vocational education program or in personnel attendance occupations as defined in Industrial Welfare Commission Minimum Wage Order #1-74. (Education Code 49116)
  - b. A student 16 or 17 years of age may receive a permit to work outside of school hours for no more than eight hours on any day on which the student is required by law to attend school, provided it is a day which immediately precedes a nonschool day. (Education Code 49112)
2. While school is in session, a student 14 or 15 years of age who has completed the seventh grade may receive a permit to work outside of school hours for no more than three hours on any school day and no more than 18 hours in any week. (Education Code 49112, 49116)
  - a. If enrolled in and employed pursuant to a school-supervised and school-administered work experience and career exploration program, a student 14 or 15 years of age may be employed for up to 23 hours a week, any portion of which may occur during school hours. (Education Code 49116)
  - b. Students 16 and 17 may work at an agricultural occupation for up to six hours of any day on which they are required by law to attend school for four hours or more. However, no student 14 through 17 may work at an agricultural occupation for more than 20 hours in any school week during which the student is required by law to attend school for four hours or more each school day (Education Code 49116)
3. With the consent of the Superintendent or designee, a student who is 13 years old and has completed the sixth grade may receive a permit to work for no more than two hours on any given day, up to a maximum of four hours each week, provided that: (Education Code 49112)
  - a. The student has been identified by the district as a potential dropout, and

**Work Permits (continued)**

- b. The student is participating in an employment program that is conducted on school premises and sponsored by one or more school districts to foster student appreciation of the importance of education in preparing for future employment and education.

**Permits to Work Full Time When School Is In Session, Students 14 or 15 Years of Age**

A permit to work full time may be issued to a minor 14 or 15 years of age who holds an elementary school diploma, provided that the permit expires no later than the end of the current school year, and provided that one of the following circumstances exists: (Education Code 49130)

1. The parent/guardian presents a sworn statement that the parent/guardian is incapacitated for labor through illness or injury, or that through the death or desertion of the father or mother, the family is in need of the minor's earnings and that sufficient aid cannot be secured in any other manner.
2. The minor is unable to reside with his/her family and needs his/her earnings for his/her support.
3. The minor is residing with a foster care provider, or a guardian receiving foster care funds for the minor, provided that:
  - a. The provider or guardian obtains written authorization from the minor's social worker, probation officer or child protective services worker acting as an officer of the court and
  - b. The minor's case plan documents that the purpose of the employment is to further the goal of emancipation pursuant to law, or to enable the minor to learn necessary skills, habits and responsibilities related to maintaining employment.

The Superintendent or designee shall sign a statement that he/she has investigated the conditions under which the work permit application has been made and has judged that the minor's earnings are necessary for the minor's support and that sufficient aid cannot be secured in another manner. If issuing a work permit subject to circumstance #3 above, the Superintendent or designee shall sign a statement that he/she has received authorization from the minor's social worker, probation officer, or child protective services worker. (Education Code 49130)

A minor who applies for a full-time work permit pursuant to the above circumstances shall be duly enrolled in a work experience education program. (Education Code 49130)

**Work Permits (continued)**

**Permits to Work Full Time When School Is In Session, Students 16 or 17 Years of Age**

A permit to work full time may be granted to a student 16 or 17 years of age when the Superintendent or Designee has received and approved the following documents: (Education Code 49133)

1. The student's school record, including age, grade, and attendance for the current term, signed by the principal or teacher.
2. Evidence of sufficient age, such as a birth certificate, passport or affidavit of the student's age, signed by the parent/guardian.
3. A written statement from the prospective employer stating that work is waiting for the student and describing the nature of the work.

The Superintendent or designee shall give the name of the student and his/her employer to the continuation school. The student shall then enroll in the continuation school. (Education Code 49135)

Regulation  
approved: 12/10/1991  
Revised: 10/08/1996  
Revised: 11/2010

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

**AWARDS FOR ACHIEVEMENT**

The Governing Board encourages excellence as a goal for all students and wishes to publicly recognize students for exemplary achievement in academic, athletic, extracurricular, or community service activities.

**District/School Awards**

Student awards may include verbal recognition, a letter, a certificate, a Board resolution, public ceremony, trophy, gift, plaque, or cash gift.

The Superintendent or designee shall develop criteria for the selection of student award recipients.

**Golden State Seal Merit Diploma**

At graduation from high school, special recognition shall be awarded to those students whose academic achievements in core curriculum areas have been outstanding.

The Superintendent or designee shall identify high school students who have demonstrated mastery of the high school curriculum qualifying them for the Golden State Seal Merit Diploma. (Education Code 51454)

**Biliteracy Award**

The district shall present the State Seal of Biliteracy to each graduating high school student who has attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English. (Education Code 51460-51464)

In order to affirm the value of bilingualism and encourage students' enrollment in world language programs, the Superintendent or designee may present awards at appropriate grade levels to recognize the pursuit and/or attainment of grade-level proficiency in one or more languages in addition to English. The Superintendent or designee may also present awards to English learners who are reclassified as fluent English proficient to recognize proficiency in both English and the student's native language.

**State Seal of Civic Engagement**

The Superintendent or designee shall present the State Seal of Civic Engagement to each student who demonstrates excellence in civics education and participation and has demonstrated an understanding of the U.S. Constitution, the California Constitution, and the democratic system of government. (Education Code 51470-51474)

## Awards for Achievement (continued)

All district students shall be afforded the opportunity to earn the State Seal of Civic Engagement, regardless of their background, communities, or experiences. No student shall be denied such opportunity based on academic ability, alternative school setting, or unique or unconventional expression of civic engagement.

### *Legal Reference:*

#### EDUCATION CODE

220 Nondiscrimination

35160 Authority of governing boards

35310-35319 Scholarship and loan funds

44015 Awards to employees and students

51243-51245 Credit for private school foreign language instruction

51450-51455 Golden State Seal Merit Diploma

51460-51464 State Seal of Biliteracy

52164.1 Assessment of English language skills of English learners

#### CODE OF REGULATIONS, TITLE 5

876 Golden State Seal Merit Diploma

1632 Credit for private school foreign language instruction

11510-11516 California English Language Development Test

### *Management Resources:*

#### WEB SITES

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

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

Californians Together: <http://www.californiansaltogether.org>

**AWARDS FOR ACHIEVEMENT****District/School Awards**

The Superintendent or designee may appoint an awards committee at each school which may consist of school administrators, teachers, parents/guardians, community members, and student representatives. The committee shall submit recommendations for student awards to the Superintendent or designee for approval.

Individual awards in excess of \$200 must be expressly approved by the Governing Board. (Education Code 44015)

**Golden State Seal Merit Diploma**

To be eligible to receive the Golden State Seal Merit Diploma upon high school graduation, a student shall complete all requirements for a high school diploma and demonstrate, in accordance with the means adopted by the State Board of Education, mastery of the curriculum in mathematics, English language arts, science, United States history, and two other subject matter areas selected by the student. (Education Code 51451, 51452; 5 CCR 876) mastery of the curriculum in mathematics, English language arts, science, U.S. history, and two other subject matter areas selected by the student by meeting at least one of the following criteria for each subject: (Education Code 51451, 51452; 5 CCR 876)

1. Mathematics and English language arts
  - a. A grade of at least B+ or the numerical equivalent in a single course each semester completed in grade 9, 10, or 11
  - b. An achievement level of "Standard Met" or above for the high school Smarter Balanced Summative Assessment
2. Science
  - a. A grade of at least B+ or the numerical equivalent in a single course each semester completed in grade 9, 10, or 11
  - b. An achievement level of "Standard Met" or above for the high school California Science Test taken in grade 10 or 11
3. U.S. history
  - a. A grade of at least B or the numerical equivalent in the required U.S. history course each semester
  - b. A qualifying score that demonstrates mastery of the subject as determined by the district for an exam produced by a private provider or the district

**Awards for Achievement (continued)**

4. Two additional subject areas of the student's choosing
  - a. Any additional qualifying grade or score listed above, earned for the subject of English language arts, mathematics, science, or U.S. history not already used to meet eligibility
  - b. A grade of at least B or the numerical equivalent upon completion of high school courses in other subjects
  - c. A qualifying score that demonstrates mastery of other subjects, as determined by the district, for an exam produced by a private provider or the district

The Superintendent or designee shall maintain appropriate records to identify students who are eligible for the merit diploma and shall affix an insignia to the diploma and transcript of each student awarded the merit diploma. (Education Code 51454)

The Superintendent or designee shall submit an insignia request form to the California Department of Education in sufficient time to allow processing of the request prior to the high school graduation ceremony.

**Biliteracy Award**

To be eligible to receive the State Seal of Biliteracy upon graduation, a student shall demonstrate, ~~in accordance with State criteria, proficiency in English and at least one other language, which may include American Sign Language. A student whose primary language is other than English shall also attain the required proficiency level on the State test of English language proficiency. (Education Code 51461)~~ a high level of proficiency in English and at least one other language, which may include American Sign Language, by meeting all of the following state-established criteria: (Education Code 51461)

1. Completion of all English language arts requirements for graduation with an overall grade point average of at least 2.0 in those classes
2. Passage of the California Assessment of Student Performance and Progress for English language arts or any successor test administered in grade 11 at or above the "Standard Met" achievement level
3. Proficiency in one or more languages other than English, demonstrated through one of the following methods:
  - a. Passage of a world language Advanced Placement (AP) exam with a score of 3 or higher or an International Baccalaureate (IB) exam with a score of 4 or higher
  - b. Successful completion of a four-year high school course of study in a world language, attaining an overall grade point average of at least 3.0 in that course of study, and oral proficiency in the language comparable to that required on an AP or IB exam

**Awards for Achievement (continued)**

- c. If no AP exam or off-the-shelf language test exists, passage of a district language exam that can be certified to meet the rigor of a four-year high school course of study in a given language and, at a minimum, assesses speaking, reading, and writing in a language other than English at the proficient level or higher
- d. If a language is not characterized by listening, speaking, or reading, or for which there is no written system, passage of an assessment on the modalities that characterize communication in that language at the proficient level or higher
- e. Passage of the SAT II world language exam with a score of 600 or higher

To be eligible to receive the State Seal of Biliteracy, a student whose primary language is other than English shall also attain the level which demonstrates English language proficiency on the state's English Language Proficiency Assessments for California. (Education Code 51461)

The Superintendent or designee shall maintain appropriate records to identify high school students who qualify for the award and shall affix the insignia to the diploma or transcript of each student who earns the award.

**State Seal of Civic Engagement**

To be eligible to receive the State Seal of Civic Engagement, a student shall meet district requirements for all of the following state-established criteria:

1. Be engaged in academic work in a productive way
2. Demonstrate a competent understanding of U.S. and California Constitutions, functions and governance of local governments, tribal government structures and organizations, the role of the citizen in a constitutional democracy, and democratic principles, concepts, and processes
3. Participate in one or more informed civic engagement project(s) that address real-world problems and require students to identify and inquire into civic needs or problems, consider varied responses, take action, and reflect on efforts
4. Demonstrate civic knowledge, skills, and dispositions through self-reflection
5. Exhibit character traits that reflect civic-mindedness and a commitment to positively impact the classroom, school, community and/or society

The Superintendent or designee shall maintain appropriate records to identify students who have earned the State Seal of Civic Engagement and shall affix the insignia to the high school diploma or transcript of each such student. (Education Code 51473)

**Awards for Achievement** (continued)

**Notifications**

The Superintendent or designee shall annually distribute information about eligibility requirements for the Golden State Seal Merit Diploma, State Seal of Biliteracy, State Seal of Civic Engagement, and/or any district awards programs to students at the applicable grade levels.

Regulation  
adopted: 10/09/2012  
revised: 06/28/2016

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

## ***PROPOSED REVISED BOARD POLICY***

### **Students**

BP 5141.22(a)

### **INFECTIOUS DISEASES**

The Governing Board desires to protect students from risks posed by exposure to infectious diseases while providing a high-quality education for all students. The Superintendent or designee shall collaborate with local and state health officials to develop and regularly update a comprehensive plan for disease prevention that promotes preventative measures, mitigation, education, communication, and training of students and staff. All measures to limit the spread of infectious diseases shall be nondiscriminatory and ensure that equity is promoted.

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs and operations are based on the most up-to-date information.

The district's comprehensive health education program shall provide age-appropriate information about the nature and symptoms of communicable diseases, their transmission, and how to help prevent the spread of contagious diseases.

If the local health officer notifies the district of an outbreak of a communicable disease, or the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, the district shall take any action that the health officer deems necessary to control the spread of the disease. The district shall comply with all applicable state and federal privacy laws in regard to any such information received from the local health officer. (Health and Safety Code 120175.5)

### **Students with Infectious Diseases**

The Superintendent or designee shall exclude students from on-campus instruction only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize exposure to other diseases in the school setting. If necessary, the Superintendent or designee shall inform the local health official of any potential outbreak. The Superintendent or designee shall ensure that student confidentiality and privacy rights are strictly observed in accordance with law.

*Legal Reference (see next page):*

**Infectious Diseases (continued)**

*Legal Reference:*

EDUCATION CODE

*48210-48214 Persons excluded*

*48221 Physical or mental condition*

*49403 Cooperation in control of communicable disease and immunization of students*

*49405 Smallpox control*

*49406 Examination for tuberculosis*

*49408 Information of use in emergencies*

*49076 Access to records by persons without written consent or under judicial order*

HEALTH AND SAFETY CODE

*199.30-199.40 Acquired immune deficiency syndrome research confidentiality act*

*3118 re exclusion for communicable disease*

*3380-3390 Immunization against communicable diseases*

*3400 et seq. Tuberculosis tests for pupils*

**INFECTIOUS DISEASES**

Upon notification of a child with a suspected or diagnosed infectious disease, the Superintendent or designee shall consult the State Department of Health Services document Control of Communicable Disease in California as a criteria for determining admission/exclusion. The County Health Department shall be consulted in all cases of reportable diseases, as appropriate. If necessary, the Superintendent or designee shall obtain a written statement from the student's physician that the child does not pose a risk of infection to other student and district personnel.

**Review Panel**

For purposes of this regulation, cases of infectious disease subject to the review panel for admission, exclusion or alternative placement shall include Hepatitis, HIV infection and AIDS.

The parent/guardian of a student with an infectious disease listed under this section may make a written request to the Superintendent or designee for the student to attend regular classes in the district. The written request shall be accompanied by a written authorization to the Superintendent or designee and to the County Health officer to obtain confidential information from the student's physician and any other source of medical, psychological or educational information that may be required to reach a decision regarding admission/exclusion or other placement.

Written statements shall also be obtained from the student's physician, the County Health Department and the district's physician. These statements must unanimously indicate that admittance of the student poses no risk to the student or the school community if admission is to be considered as a placement option for the student.

The Superintendent or designee shall convene a review panel composed of:

1. The student's parent/guardian.
2. The student's physician.
3. The district's appointed medical consultant.
4. District school nurse.
5. The Superintendent or designee.

**Infectious Diseases (continued)**

Upon the collection of the required authorizations and statements, the review panel shall evaluate the request for admission. The panel shall limit its evaluation to the consideration of the age, behavior, neurological development, physical condition of the child and the expected type of interaction with others in the school setting. The panel shall maintain strict standards of confidentiality on all deliberations. No release of information shall occur unless written consent is provided by the student's parent/guardian.

The panel shall make recommendations to the Superintendent or designee on the attendance, exclusion or other placement of the student.

**Prevention and Mitigation Plan**

The Superintendent or designee shall work with state and local health officials to develop and regularly update a plan to prevent and mitigate the spread of infectious diseases. Components of the plan may include, but are not necessarily limited to:

1. A communication strategy for informing students, parents/guardians, staff, and the community about the disease(s), including symptoms, complications, transmission, and current recommendations from state and local departments of public health
2. Protocols for assessing when campus closures are necessary and when campus(es) may reopen
3. Alternative means of instruction, schedules, and attendance, including the provision of instruction to students with disabilities, English learners, and foster or homeless youth, in the event of campus closures or partial closures
4. Guidelines regarding preventative measures such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law
5. Protocols regarding the acquisition and provision of personal protective equipment and other supplies
6. Procedures for the cancellation or alteration of extracurricular activities and field trips
7. Protocols for transportation of students using district vehicles
8. Information on effective hygiene practices
9. Provisions for continuing free and reduced-price meal services

**Infectious Diseases (continued)**

10. Process for protecting students who are at higher risk from the disease
11. Programs that enhance a positive school climate and foster the emotional well-being of all students
12. Guidelines for cleaning and sanitization of district facilities and equipment
13. Protocols for visitors and outside groups that utilize district facilities
14. Staff training

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

**Universal Precautions in the Classroom**

Before students work with blood, blood products, or other body fluids, the teacher shall explain the potentially hazardous nature of blood and body fluids in the transmission of various agents from one person to another and the specific procedures and safety precautions to be used in the lesson.

The following precautions shall be used when students are working with blood or other body fluids:

1. Before and after exposure to blood or other body fluids, students shall wash their hands with soap and water and cover any existing cut, wound, or open sore with a sterile dressing.
2. Students shall wear gloves or other personal protective equipment as appropriate.
3. Blood typing or similar experiments may be conducted by teacher demonstrations. When being performed individually, students shall work with their own blood or use prepackaged ABO/Rh blood cell kits that have vials of blood previously tested for transmissible agents.
  - a. For finger punctures, students shall use individual sterile lancets that have engineered sharps injury protection and shall not reuse them.
  - b. Before the finger is punctured, it shall be wiped with a piece of cotton that has been immersed in alcohol.
  - c. If bleeding persists after the finger is punctured, the student shall apply a sterile bandage using moderate pressure.

**Infectious Diseases (continued)**

4. Lancets and any other materials contaminated with blood or body fluids shall be discarded into a solution consisting of one part bleach to 10 parts water (1:10), made fresh daily.
5. At the end of the class, surfaces shall be wiped with alcohol or a solution of one part bleach to 10 parts water.

**IMMUNIZATIONS****Required Immunizations**

The Superintendent or designee shall provide parents/guardians, upon school registration, a written notice summarizing the state's immunization requirements.

The Superintendent or designee shall not unconditionally admit any student to a district elementary or secondary school, preschool, or child care and development program nor advance a student to specified grade levels unless the student has presented documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Health and Safety Code 120335; 17 CCR 6020)

1. Measles, mumps, and rubella (MMR)
2. Diphtheria, tetanus, and pertussis (whooping cough) (DTP, DTaP, or Tdap)
3. Poliomyelitis (polio)
4. Hepatitis B
5. Varicella (chicken pox)
6. Hemophilus influenza type b (Hib meningitis)
7. Any other disease designated by the CDPH

The student's immunization record shall be provided by the student's health care provider or from the student's previous school immunization record. The record must show the date that each dose was administered.

**Exemptions**

Each student enrolling for the first time in a district school, preschool, or child care and development program or enrolling in or advancing to grade 7 shall present an immunization record from any authorized private or public health care provider certifying that the student has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

Exemption from immunization requirements shall be granted under either of the following circumstances: (Health and Safety Code 120365, 120370; 17 CCR 6051)

**Immunizations (continued)**

1. The student's parent/guardian provides a written statement by a licensed physician that, due to the physical condition or medical circumstances of the student, one or more immunizations are considered unsafe or are permanently not indicated. The physician's statement shall indicate the specific nature and probable duration of the medical condition or circumstances that contraindicate immunization. In such circumstances, the student shall be exempted from one or more vaccines to the extent indicated by the physician's statement.
2. The student's parent/guardian provides a letter or affidavit documenting which immunizations required by Health and Safety Code 120355 have been given and which immunizations have not been given on the basis that they are contrary to the parent/guardian's beliefs.

When immunization(s) are contrary to the parent/guardian's personal beliefs but there is good cause to believe that the student has been exposed to one of the communicable diseases listed in Health and Safety Code 120325, the student may be temporarily excluded from school until the local public health officer is satisfied that the student is no longer at risk of developing the disease.

On or after January 1, 2014, the parent/guardian shall also submit a form prescribed by the CDPH which includes a signed attestation by a health care practitioner that indicates he/she has provided the parent/guardian with information regarding the benefits and risks of the immunization and the health risks of the communicable diseases listed in Health and Safety Code 120335 to the person and the community. The parent/guardian shall sign a statement indicating that he/she has received this information. Neither the health care practitioner nor the parent/guardian shall sign these statements more than six months prior to the date that the student is subject to the immunization requirement. In lieu of the original form, the district shall accept a photocopy of the signed form or a letter by a health care practitioner that includes all information and attestations included on the form.

**Exclusions Due to Lack of Immunizations**

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or an exemption is granted in accordance with the section "Exemptions" above.

Before an already admitted student is excluded from school attendance because of lack of immunizations, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days to supply evidence of proper immunization or an appropriate exemption. (Education Code 48216; 17 CCR 6040)

### **Immunizations (continued)**

This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any. (Education Code 48216)

The Superintendent or designee shall exclude from further attendance any already admitted student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above, unless the student is exempt from immunization for medical reasons or personal beliefs. The student shall remain excluded from school until he/she provides written evidence that he/she has received a dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

### **Conditional Enrollment**

The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

1. The student has received some but not all required immunizations and is not due for any vaccine dose at the time of admission.
2. The student has a temporary exemption from immunization for medical reasons.

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses when they become due as specified in 17 CCR 6035.

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

### **Enrollment of Foster Youth**

Foster youth shall be immediately enrolled even if he/she is unable to produce immunization records. The district liaison for foster youth shall request records from the last school attended within two business days. (Education Code 48853.5)

**Immunizations (continued)**

**Enrollment of Homeless Youth**

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the principal or designee shall refer the parent/guardian to the district liaison. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records. (42 USC 11432)

**Records**

The Superintendent or designee shall record each new entrant's immunizations in the California School Immunization Record and retain it as part of the student's mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

Policy  
adopted: 12/10/1991  
Revised: 02/22/2011  
Revised: 05/14/2013

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

**IMMUNIZATIONS**

The Superintendent or designee shall provide parents/guardians, upon school registration, a written notice summarizing the state's immunization requirements.

The Superintendent or designee shall not unconditionally admit any student to a district elementary or secondary school, preschool, or child care and development program for the first time nor, after January 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized. The student shall present document of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Health and Safety Code 120335; 17 CCR 6020)

1. Measles, mumps, and rubella (MMR)
2. Diphtheria, tetanus, and pertussis (whooping cough) (DTP, DTaP, or Tdap)
3. Poliomyelitis (polio)
4. Hepatitis B
5. Varicella (chickenpox)
6. Haemophilus influenza type b (Hib meningitis)
7. Any other disease designated by the CDPH

However, full immunization against hepatitis B shall not be a condition by which the Superintendent or designee shall admit or advance any student to grade 7. (Health and Safety Code 120335)

A student who qualifies for an individualized education program (IEP), unless otherwise exempt, shall be fully immunized in accordance with Health and Safety Code 120335 and this regulation. However, the district shall continue to implement the student's IEP and shall not prohibit the student from accessing any special education and related service required by his/her IEP regardless of whether the student is fully immunized, or through the California Immunization Registry (CAIR). (Health and Safety Code 120335)

The student's immunization record shall be provided by the student's health care provider or from the student's previous school immunization record. The record must show at least the month and year for each dose, except that the day, month, and year must be shown for the MMR doses given during the month of the first birthday and for the Tdap dose given during the month of the seventh birthday. (17 CCR 6070)

## Immunizations (continued)

### Exemptions

Exemption from one or more immunization requirements shall be granted under any of the following circumstances:

1. A medical exemption is submitted using the standardized form developed by CDPH and transmitted using CAIR which includes, but is not limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary. (Health and Safety Code 120372)

A student who has a medical exemption issued prior to January 1, 2020 shall be allowed to continue enrollment until the next grade span, except that after July 1, 2021, a student may not be admitted or advanced to grade 7 unless the student has been immunized or a medical exemption form filed as stated above. (Health and Safety Code 120370)

A temporary exemption shall not exceed one year, and all medical exemptions shall not extend beyond the grade span. (Health and Safety Code 120372)

If a student's medical exemption is revoked by CDPH on the basis that the exemption does not meet applicable criteria for medical exemptions, the student shall continue in attendance and, within 30 calendar days of the revocation, commence the immunization schedule required for conditional admittance pursuant to 17 CCR 6050, as described below. (Health and Safety Code 120372)

The student's parent/guardian may appeal a revocation to the Secretary of California Health and Human Services. If a revocation is appealed, the student shall continue in attendance and shall not be required to commence the immunization schedule required for conditional admittance provided the appeal is filed within 30 calendar days of the revocation

2. ~~The parent/guardian files with the district a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe. The statement shall indicate the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization. (Health and Safety Code 120370; 17 CCR 6051)~~

**Immunizations (continued)**

3. The student's parent/guardian files with the district, before January 1, 2016, a letter or written affidavit stating that an immunization is contrary to his/her personal beliefs, in which case the student shall be exempted from the immunization until he/she enrolls in the next applicable grade span requiring immunization (birth to preschool, grades K-6, grades 7-12).

When a student transfers to a different school within the district or transfers into the district from another school district in California, his/her personal beliefs exemption filed before January 1, 2016, shall remain in effect until the next applicable grade span. A student transferring from a school outside the district shall present a copy of the personal beliefs exemption upon enrollment. When a student transfers into the district from outside California and presents a personal beliefs exemption issued by another state or country prior to January 1, 2016, the Superintendent or designee may consult with legal counsel regarding the applicable immunization requirements.

4. The student is enrolled in an independent study program pursuant to Education Code 51745-51749.6 and does not receive classroom-based instruction.

**Conditional Enrollment**

The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

1. The student has not received all the immunizations required for his/her age group, but has commenced receiving doses of all required vaccines and is not due for any other doses at the time of admission
2. The student has a temporary exemption from immunization for medical reasons pursuant to item #1 in the section "Exemptions" above

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses as specified in 17 CCR 6035.

In addition, a transfer student may be conditionally admitted for up to 30 school days while his/her immunization records are being transferred from the previous school. If such documentation is not presented within 30 days, the student shall be excluded from school until the required immunizations have been administered. (17 CCR 6070)

**Immunizations (continued)**

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

The Superintendent or designee shall immediately enroll homeless students, foster youth, and students of military families even if their immunization records are missing or unavailable at the time of enrollment. School or district staff shall work with the student's prior school to obtain the student's immunization records or shall ensure that he/she is properly immunized. (Education Code 48853.5, 49701; Health and Safety Code 120341; 42 USC 11432)

**Exclusions Due to Lack of Immunizations**

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or an exemption is granted in accordance with the section "Exemptions" above.

Before an already admitted student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days to supply evidence of proper immunization or an appropriate exemption. This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any. (Education Code 48216; 17 CCR 6040)

**Exclusion Due to Exposure to Disease**

If the district has good cause to believe that a student has been exposed to a disease listed in the section "Required Immunizations" above and the student's documentation of immunization does not show proof of immunization against that disease, that student may be temporarily excluded from the school until the local health officer is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code)

**Records**

Each student's immunization record shall be retained as part of the student's mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law.

**Immunizations (continued)**

At least annually, the Superintendent or designee shall file a written report on the immunization status of new students with CDPH and the local department of public health on forms prescribed by CDP

The Superintendent or designee shall exclude from further attendance any already admitted student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above. The student shall remain excluded from school until he/she provides written evidence that he/she has received a dose of each required vaccine due at the time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

**Exclusion Due to Exposure to Disease**

If the district has good cause to believe that a student has been exposed to a disease listed in the section "Required Immunizations" above and his/her documentation of immunization does not show proof of immunization against that disease, that student may be temporarily excluded from the school until the local health officer informs the district in writing that he/she is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120370)

**Records**

~~The Superintendent or designee shall record each new entrant's immunizations in the California School Immunization Record and retain it as part of the student's mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)~~

~~The district shall also retain in the mandatory student record any physician or health officer statement, personal beliefs letter or affidavit, reason for conditional enrollment, or any other documentation related to the student's immunization record or exemptions.~~

**Audits**

If an audit reveals deficiencies in the district's reporting procedures, the Superintendent or designee shall present the Board with a plan to remedy such deficiencies.

Regulation  
approved: 06/14/2016

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

**NONDISCRIMINATION/HARASSMENT**

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, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer specified in AR 1312.3 – Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age religion, marital or parental status, pregnancy, physical or mental disability, sex sexual orientation, gender, gender identity, gender expression, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer may be contacted at: (Education Code 234.1; 5 CCR 4621)

West Covina Unified School District  
Michael F. Seaman  
Assistant Superintendent – Human Resources  
1717 W. Merced Avenue  
West Covina, CA 91790  
626-939-4600, ext. 1102 – mseaman@wcusd.org

To prevent discrimination, harassment, intimidation, and bullying of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Annually notify employees, volunteers, students, and parents/guardians of the district's nondiscrimination policy; what constitutes prohibited discrimination, harassment, intimidation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.
2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students
3. Post in a prominent and conspicuous location on the district or school web sites information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender, identity, pregnancy, and parental status, including the following: (Education Code 221.61)

**Nondiscrimination/Harassment (continued)**

- a. The name and contact information of the district's Title IX coordinator, including the phone number and email address
- b. The rights of students and the public and the responsibilities of the district under Title IX, including the list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office of Equal Opportunity and the U.S. Department of Education's Office of Civil Rights (OCR)
- c. A description of how to file a complaint of noncompliance with Title IX in accordance with AR 1312.3 – Uniform Complaint Procedures, which shall include:
  - 1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
  - 2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site
  - 3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
4. Provide students with age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)
5. Notify all students and parents/guardians of their right to inform the Coordinator whenever a student's participation in a sex-segregated school program together with another student of the opposite biological sex would be against the student's religious beliefs or a violation of his/her right to privacy. In such a case, the Coordinator shall meet with the student and/or parent/guardian to determine how best to accommodate the student.
6. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.
7. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other locations that are easily accessible to students. (Education Code 234.1)

**Nondiscrimination/Harassment (continued)**

8. The Superintendent or designee shall ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.
9. When 15 percent or more of a school's students speak a single primary language other than English, translate the nondiscrimination policy, related complaint procedures, and all forms for use in the complaint process into that other language. (Education Code 234.1, 48985)
10. At the beginning of each school year, inform school employees that any employee who witnesses any act of discrimination, harassment, intimidation, or bullying against a student is required to intervene if it is safe to do so. (Education Code 234.1)
11. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate accommodation(s) to protect students' privacy rights and ensure their safety from threatened or potentially harassing, intimidating, or discriminatory behavior.

**Enforcement of District Policy**

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 – Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community
5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that he/she knew was not true

**Process for Initiating and Responding to Complaints**

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

**Nondiscrimination/Harassment (continued)**

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying or to whom such an incident is reported shall immediately report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, he/she shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in AR 1312.3 – Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 – Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

**Transgender and Gender-Nonconforming Students**

Gender identity means a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

**Nondiscrimination/Harassment** (continued)

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Regardless of whether they are sexual in nature, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity
2. Disciplining or disparaging a student or excluding him/her from participating in activities for behavior or appearance that is consistent with his/her gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity
4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. Use of gender-specific slurs
7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial or access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

**Nondiscrimination/Harassment** (continued)

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior consent, except when the disclosure is otherwise required by law or is necessary to preserve the student's physical or mental well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the Coordinator for Nondiscrimination. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to law or district policy, and shall inform the student that it may be impossible to accommodate the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the Coordinator, the employee shall do so within three school days.

As appropriate, the Coordinator shall discuss with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. Any decision to disclose the student's status to others shall be based on the student's best interest.

2. Determining a Student's Gender Identity: The Coordinator shall accept the student's assertion unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the Coordinator shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.
3. Addressing a Student's Transition Needs: The Coordinator shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Coordinator shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it.

**Nondiscrimination/Harassment (continued)**

4. **Accessibility to Sex-segregated Facilities, Programs, and Activities:** The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with his/her gender identity. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. However, a student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.
5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to proper documentation. When a student presents government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code 49070, the district shall update the student's records. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.
6. **Names and Pronouns:** If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.
7. **Uniforms/Dress Code:** A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

Regulation

adopted: 05/27/2014

Revised: 09/27/2016

Revised: 09/12/2017

Revised: 11/10/2020

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

**NOTIFICATIONS REQUIRED BY LAW**

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.

The notice of the rights and responsibilities of parents/guardians pursuant to Education Code 48980 shall be sent at the beginning of each academic year and may be provided either by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district to communicate with parents/guardians in writing. (Education Code 48981, 48982)

If any activity specified in Education Code 48980 will be undertaken by any school during the forthcoming school term, the notice shall state that fact and the approximate date on which any such activity will occur. No such activity shall be undertaken with respect to any particular student unless his/her parent/guardian has been informed of such action through the annual notification or other separate special notification. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

Whenever a student enrolls in a district school during the school year, ~~his/her~~ the student's parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

**Notifications Required By Law (continued)**

Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the district's printed notifications, he/she shall inform the principal or designee who may assist the parent/guardian in establishing other appropriate means of communication.

*Legal Reference:*EDUCATION CODE

221.5 Prohibited sex discrimination  
 231.5 Sexual harassment policy  
 234.7 Student protections relating to immigration and citizenship status  
 262.3 Appeals for discrimination complaints; information regarding availability of civil remedies  
 310 Language acquisition programs  
 313 Reclassification of English learners, parental consultation  
 313.2 Long-term English learner, notification  
 440 English language proficiency assessment; instruction in English language development  
 8483 Before/after school program; enrollment priorities  
 17288 Building standards for university campuses  
 17611.5-17612 Notification of pesticide use  
 32221.5 Insurance for athletic team members  
 32255-32255.6 Right to refuse harmful or destructive use of animals  
 32390 Fingerprint program; contracts; funding; consent of parent/guardian  
 33479.3 The Eric Paredes Sudden Cardiac Arrest Prevention Act  
 35160.5 Extracurricular and cocurricular activities  
 35178.4 Notice of accreditation status  
 35182.5 Advertising in the classroom  
 35183 School dress codes; uniforms  
 35186 Complaints concerning deficiencies in instructional materials and facilities  
 35211 Driver training; district insurance, parent/guardian liability  
 35256 School Accountability Report Card  
 35258 School Accountability Report Card  
 35291 Rules for student discipline  
 37616 Consultation regarding year-round schedule  
 39831.5 School bus rider rules and information  
 44050 Employee codes of conduct, employee interactions with students  
 44808.5 Permission to leave school grounds  
 46010.1 Notice regarding excuse to obtain confidential medical services  
 46014 Regulations regarding absences for religious purposes  
 46600-46611 Inter-district attendance agreements

**Notifications Required By Law (continued)**

*Legal Reference (continued):*

48000 Minimum age of admission  
48070.5 Promotion or retention of students  
48204 Residency requirements  
48205 Absence for personal reasons  
48206.3 Pupils with temporary disabilities; individual instruction; definitions  
48207-48208 Students with temporary disabilities in hospitals  
48213 Prior notice of exclusion from attendance  
48216 Immunizations  
48260.5 Notice regarding truancy  
48262 Need for parent conference regarding truancy  
48263 Referral to SARB or probation department  
48301 Interdistrict transfers  
48350-48361 Open Enrollment Act  
48354 Option to transfer from school identified under Open Enrollment Act  
48357 Status of application for transfer from school identified under Open Enrollment Act  
48412 Certificate of proficiency  
48432.3 Voluntary enrollment in continuation education  
48432.5 Involuntary transfer of students  
48850-48859 Education of foster youth and homeless students  
48900.1 Parental attendance required after suspension  
48904 Liability of parent/guardian for willful student misconduct  
48904.3 Withholding grades, diplomas, or transcripts  
48906 Notification of release of student to peace officer  
48911 Notification in case of suspension  
48911.1 Assignment to supervised suspension classroom  
48912 Closed sessions; consideration of suspension  
48915.1 Expelled individuals: enrollment in another district  
48916 Readmission procedures  
48918 Rules governing expulsion procedures  
48929 Transfer of student convicted of violent felony or misdemeanor  
48980 Required notification at beginning of term  
48980.3 Notification of pesticide use  
48981 Time and means of notification  
48982 Signature; return to school; effect of signature  
48983 Contents of notice  
48984 Activities prohibited unless notice given  
48985 Notices to parents in language other than English  
48987 Child abuse information  
49013 Use of uniform complaint procedures for complaints regarding student fees

## Notifications Required By Law (continued)

### *Legal References (continued):*

- 49063 Notification of parental rights
- 49067 Student evaluation; student in danger of failing course
- 49068 Transfer of permanent enrollment and scholarship record
- 49069 Absolute right to access
- 49070 Challenging content of records
- 49073 Release of directory information
- 49073.6 Student records, social media
- 49076 Access to student records
- 49077 Access to information concerning a student in compliance with court order
- 49403 Cooperation in control of communicable disease and immunization
- 49423 Administration of prescribed medication for student
- 49451 Physical examinations: parent's refusal to consent
- 49452.5 Screening for scoliosis
- 49452.7 Information on type 2 diabetes
- 49452.8 Oral health assessment
- 49456 Results of vision or hearing test
- 49471-49472 Insurance
- 49475 Student athletes; concussions and head injuries
- 49480 Continuing medication regimen for non-episodic conditions
- 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
- 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
- 51225.1 Exemption from district graduation requirements
- 51225.2 Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students
- 51225.3 Graduation requirements; courses that satisfy college entrance criteria
- 51229 Course of study for grades 7-12
- 51513 Personal beliefs; privacy
- 51938 HIV/AIDS and sexual health instruction
- 52164 Language census
- 52164.1 Census-taking methods; determination of primary language; assessment of language skills
- 52164.3 Reassessment of English learners; notification of results
- 54444.2 Migrant education programs; parent involvement
- 56301 Child-find system; policies re: written notification rights
- 56321 Special education: proposed assessment plan
- 56321.5-56321.6 Notice of parent rights pertaining to special education
- 56329 Written notice of right to findings; independent assessment
- 56341.1 Development of individualized education program; right to audio record meeting
- 56341.5 Individualized education program team meetings
- 56343.5 Individualized education program meetings
- 56346 Parental notice and consent to special education program

## Notifications Required By Law (continued)

### *Legal References (continued):*

56521.1 Behavioral intervention  
 58501 Alternative schools: notice required prior to establishment  
 60615 exemption from state assessment  
 60641 California Assessment of Student Performance and Progress  
 69432.9 Submission of grade point average to Cal Grant program  
CIVIL CODE  
 1798.29 District records, breach of security  
HEALTH AND SAFETY CODE  
 1596.857 Right to enter child care facility  
 104420 Tobacco use prevention  
 104855 Availability of topical fluoride treatment  
 116277 Lead testing of school drinking water  
 120365-120375 Immunizations  
 120440 Sharing immunization information  
 124100-124105 Health screening and immunizations  
PENAL CODE  
 626.81 Notice of permission granted to sex offender to volunteer on campus  
 627.5 Hearing request following denial or revocation of registration  
CODE OF REGULATIONS, TITLE 5  
 852 Exemptions from state assessments  
 863 Reports of state assessment results  
 3052 Behavioral intervention  
 4622 Notification of uniform complaint procedures  
 4631 Uniform complaint procedures; notification of decision and right to appeal  
 4702 Student transfer from school identified under Open Enrollment Act  
 4917 Notification of sexual harassment policy  
 11303 Reclassification of English learners  
 11511.5 English language proficiency assessment; test results  
 11523 Notice of proficiency examinations  
 18066 Child care policies regarding excused and unexcused absences  
 18094-18095 Notice of Action; child care services  
 18114 Notice of delinquent fees; child care services  
 18118-18119 Notice of Action; child care services  
CODE OF REGULATIONS, TITLE 17  
 2951 Hearing test  
 6040 Time period to obtain needed immunizations  
UNITED STATES CODE, TITLE 20  
 1232g Family Educational and Privacy Rights Act  
 1232h Privacy rights  
 1415 Procedural safeguards  
 6311 State plan  
 6312 Local educational agency plans  
 6318 Parent and family engagement  
 7908 Armed forces recruiter access to students  
UNITED STATES CODE, TITLE 42  
 1758 Child nutrition programs  
 11431-11435 McKinney-Vento Homeless Assistance Act  
CODE OF FEDERAL REGULATIONS, TITLE 7  
 245.5 Eligibility criteria for free and reduced-price meals

**Notifications Required By Law (continued)**

*Legal References (continued):*

*245.6a Verification of eligibility for free and reduced-price meals*  
CODE OF FEDERAL REGULATIONS, TITLE 34  
*99.30 Disclosure of personally identifiable information*  
*99.34 Student records, disclosure to other educational agencies*  
*99.37 Disclosure of directory information*  
*99.7 Student records, annual notification*  
*104.32 District responsibility to provide free appropriate public education*  
*104.36 Procedural safeguards*  
*104.8 Nondiscrimination*  
*106.9 Dissemination of policy, nondiscrimination on basis of sex*  
*200.48 Teacher qualifications*  
*300.300 Parent consent for special education evaluation*  
*300.322 Parent participation in IEP team meetings*  
*300.502 Independent educational evaluation of student with disability*  
*300.503 Prior written notice regarding identification, evaluation, or placement of student with disability*  
*300.508 Due process complaint*  
*300.530 Discipline procedures*  
CODE OF FEDERAL REGULATIONS, TITLE 40  
*763.84 Asbestos inspections, response actions and post-response actions*  
*763.93 Asbestos management plans*

Policy

adopted: 12/10/1991

Revised: 04/22/1997, 10/22/2002

Revised: 05/14/2013

Revised: 05/08/2018

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

**PARENTAL NOTIFICATIONS**

Note: This exhibit relates to notices which must be provided to parents/guardians. Pursuant to Education Code 48982, notifications which must be sent at the beginning of each academic year must include a request that the parent/guardian sign the notice and return it to the school.

Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2020 (SB 74, Ch. 6, Statutes of 2020) extends the suspension of these requirements through the 2020 – 2021 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

**Annually**

When to Notify: Beginning of each school year  
 Education or Other Code: Education Code 234.7  
 BP/AR #: BP 0410  
 Subject: Right to a free public year 234.7 education regardless of immigration status or religious beliefs

When to Notify: Beginning of each school year  
 Education or Other Code: Education Code 310  
 BP/AR#: BP 6174; AR 6142.2  
 Subject: Information on the district's language acquisition programs

When to Notify: Beginning of each school year  
 Education or Other Code: Education Code 17611.5, 17612, 48980.3  
 BP/AR: AR 3514.2  
 Subject: Use of pesticide product, active ingredients, Internet address to access information, and, if district uses certain pesticides, integrated pest management plan

When to Notify: Annually by February 1  
 Education or Other Code: Education Code 35256, 35258  
 BP/AR #: BP 0510  
 Subject: School Accountability Report Card provided

When to Notify: Beginning of each school year  
 Education or Other Code: Education Code 35291, 48980  
 BP/AR #: AR 5144; AR 5144.1  
 Subject: District and site discipline rules

When to Notify: Beginning of each school year  
 Education or Other Code: Education Code 44050  
 BP/AR #: BP 4119.21, See BP 4219.21, See BP 4319.21  
 Subject: Code of conduct addressing employee interactions with students

**Parental Notifications (continued)**

When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 46010.1
BP/AR #:	BP 5113
Subject:	Absence for confidential medical services
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 48929, 48980
BP/AR#:	BP 5116.2
Subject:	District policy authorizing transfer
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 48980
BP/AR #:	BP 6111
Subject:	Schedule of minimum days and student-free staff development days
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 48980, 231.5; 5 CCR 4917
BP/AR #:	AR 5145.7
Subject:	Copy of sexual harassment policy as related to students, <u>contact information</u> <u>Title IX coordinator</u>
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 48980, 32255-32255.6
BP/AR #:	AR 5145.8
Subject:	Right to refrain from harmful or destructive use of animals
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 48980, 35160.5, 46600-46611, 48204, 48301, and 48350-48361
BP/AR #:	BP 5111.1; AR 5116.1; AR 5117
Subject:	All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 48980, 46014
BP/AR#:	BP/AR 5113
Subject:	Absence for religious exercise or purposes
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 48980, 48205
BP/AR #:	BP/AR 6154; AR 5113
Subject:	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205 5rrrr

**Parental Notifications (continued)**

When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 48980, 48206.3, 48207, 48208
BP/AR #:	AR 6183
Subject:	Availability of home/hospital instruction for students with temporary disabilities
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 48980, 49403
BP/AR #:	<del>BP 5141.31</del>
Subject:	School immunization program
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 48980, 49423, 49480
BP/AR #:	AR 5141.21
Subject:	Administration of prescribed medication
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 48980, 49451; 20 USC 1232h
BP/AR #:	AR 5141.3
Subject:	Right to refuse consent to physical examination
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 48980, 49471, 49472
BP/AR #:	BP 5143
Subject:	Availability of insurance
When to Notify:	Annually
Education or Other Code:	Education Code 49013; 5 CCR 4622
BP/AR #:	AR 1312.3
Subject:	Uniform complaint procedures, available appeals, civil law remedies
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 49063
BP/AR #:	AR 5125; AR 5125.3
Subject:	Challenge, review and expunging of records
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7
BP/AR #:	AR 5125
Subject:	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability

**Parental Notifications (continued)**

When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37
BP/AR #:	AR 5125.1
Subject:	Release of directory information
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5
BP/AR #:	AR 3553
Subject:	Eligibility and application process for free and reduced price meals
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 51513, 20 USC 1232h
BP/AR #:	AR 5022; BP 6162.8
Subject:	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities: inspection rights and procedures
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 56301
BP/AR #:	BP 6164.4
Subject:	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
When to Notify:	Beginning of each school year
Education or Other Code:	Education Code 58501, 48980
BP/AR #:	AR 6181
Subject:	Alternative schools
When to Notify:	Beginning of each school year
Education or Other Code:	Health and Safety Code 104855
BP/AR #:	AR 5141.6
Subject:	Availability of dental fluoride treatment; opportunity to accept or deny treatment
When/Whom to Notify:	Annually
Education or Other Code:	5 CCR 852; Education Code 60615
BP/AR #:	AR 6162.51
Subject:	Student's participation in state assessments; option to request exemption from testing
When to Notify:	Beginning of each school year, if district receives Title I funds
Education or Other Code:	20 USC 6312; 34 CFR 200.61
BP/AR #:	BP 4112.2; AR 4222
Subject:	Right to request information re: professional qualifications of child's teacher and paraprofessional

**Parental Notifications (continued)**

When to Notify: Beginning of each school year  
 Education or Other Code: 34 CFR 104.8, 106.9  
 BP/AR #: BP 0410; BP 6178  
 Subject: Nondiscrimination

When to Notify: Beginning of each school year  
 Education or Other Code: 40 CFR 763.84, 40 CFR 763.93  
 BP/AR #: AR 3514  
 Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When to Notify: Beginning of each school year  
 Education or Other Code: USDA SP-23-2017  
 BP/AR #: AR 3551  
 Subject: District policy on meal payments

**At Specific Times During the Student's Academic Career**

When to Notify: Beginning in grade 7, at least once prior to course selection and career counseling  
 Education or Other Code: Education Code 221.5; 48980  
 BP/AR #: BP 6164.2  
 Subject: Course selection and career counseling

When to Notify: Upon a student's enrollment  
 Education or Other Code: Education Code 310  
 BP/AR #: BP 6174; AR 6142.2  
 Subject: Information on the district's language acquisition programs

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program  
 Education or Other Code: Education Code 32390, 48980  
 BP/AR #: AR 5142.1  
 Subject: Fingerprinting program

When/Whom to Notify: When participating in District driver training courses  
 Education or Other Code: Education Code 35211  
 BP/AR #: None  
 Subject: Civil liability, insurance coverage

When to Notify: Upon registration in K-6, if students have not previously been transported  
 Education or Other Code: Education Code 39831.5  
 BP/AR #: AR 3543  
 Subject: School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops

**Parental Notifications (continued)**

When to Notify:	Beginning of each school year for open campus high school students
Education or Other Code:	Education Code 44808.5, 48980
BP/AR #:	AR 5112.5
Subject:	Open campus
When to Notify:	Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement
Education or Other Code:	Education Code 48980, 51225.3
BP/AR #:	AR 6146.1
Subject:	How each high school graduation requirement does or does not satisfy college entrance a-g course criteria; list of districts CTE courses that satisfy a-g course criteria
When to Notify:	Upon a student's enrollment
Education or Other Code:	Education Code 49063
BP/AR #:	AR 5125; AR 5125.3
Subject:	Specified rights related to student records
When to Notify:	When students entering grade 7
Education or Other Code:	Education Code 49452.7
BP/AR #:	AR 5141.3
Subject:	Specified information on type 2 diabetes
When to Notify:	When in kindergarten, or first grade if not previously in public school
Education or Other Code:	Education Code 49452.8
BP/AR #:	AR 5141.32
Subject:	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
When to Notify:	Beginning of each school year for students in grades 9-12
Education or Other Code:	Education Code 51229, 48980
BP/AR #:	AR 6143
Subject:	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
When to Notify:	Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year
Education or Other Code:	Education Code 51938, 48980
BP/AR #:	AR 6142.1
Subject:	Sexual health and HIV prevention education; right to view A/V materials, who's teaching, request specific Education Code sections, right to excuse

**Parental Notifications (continued)**

When to Notify: Within 20 working days of results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year  
 Education or Other Code: Education Code 60641; 5 CCR 863  
 BP/AR #: AR 6162.51  
 Subject: Results of tests; test purpose, individual score and intended use

When/Whom to Notify: By October 15 for students in grade 12  
 Education or Other Code: Education Code 69432.9  
 BP/AR #: AR 5121; AR 5125  
 Subject: Forwarding of student's grade point average to Cal Grant program; timeline to opt out

When to Notify: When child is enrolled or reenrolled in a licensed child care center or preschool  
Education or Other Code: Health and Safety Code 1596, 7996  
BP/AR #: AR 5148  
Subject: Information on risks and effects of lead exposure, blood lead testing

When to Notify: When child is enrolled in kindergarten  
 Education or Other Code: Health and Safety Code 124100, 124105  
 BP/AR #: AR 5141.32  
 Subject: Health screening examination

When to Notify: To students in grades 11-12, early enough to enable registration for fall test  
 Education or Other Code: 5 CCR 11523  
 BP/AR #: AR 6146.2  
 Subject: Notice of proficiency examination provided under Education Code 48412

When to Notify: To secondary students, if district receives Title I funds  
 Education or Other Code: 20 USC 7908  
 BP/AR #: AR 5125.1  
 Subject: Request that district not release name, address, phone number of child to military recruiters without prior written consent

**When Special Circumstances Occur**

When to Notify: In the event of a breach of security of district records, to affected persons  
 Education or Other Code: Civil Code 1798.29  
 BP/AR #: BP 3580  
 Subject: Types of records affected, date of breach, description of incident, contact information for credit reporting agencies

**Parental Notifications (continued)**

When to Notify:	Upon receipt of a complaint alleging discrimination
Education or Other Code:	Education Code 262.3
BP/AR #:	AR 1312.3
Subject:	Civil law remedies available to complainants
When to Notify:	When determining of an English learner should be reclassified as fluent English
Education or Other Code:	Education Code 313; 5 CCR 11303
BP/AR #:	AR 6174
Subject:	Description of reclassification process, opportunity for parent/guardian to participate
When to Notify:	When Student is identified as English learner and district receives Title III Funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year
Education or Other Code:	Education Code 440; 20 USC 7012
BP/AR #:	AR 6174
Subject:	Reason for classification, level of English proficiency, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program
When to Notify:	When homeless or foster youth applies for enrollment in before/after school program
Education or Other Code:	Education Code 8483
BP/AR #:	AR 5148.2
Subject:	Right to priority enrollment; how to requests priority enrollment
When to Notify:	Before high school student attends secondary program on a university campus
Education or Other Code:	Education Code 17288
BP/AR #:	None
Subject:	University campus buildings may not meet Education Code requirements for structural safety
When to Notify:	At least 72 hours before use of pesticide product not on annual list
Education or Other Code:	Education Code 17612
BP/AR #:	AR 3514.2
Subject:	Intended use of pesticide product
When to Notify:	To members of athletic teams
Education or Other Code:	Education Code 32221.5
BP/AR #:	AR 5143
Subject:	Offer of insurance; no-cost and low-cost program options

**Parental Notifications (continued)**

When to Notify:	Annually to parents/guardians of student athletes before participation in competition
Education or Other Code:	Education Code 33479.3
BP/AR #:	AR 6145.2
Subject:	Information on sudden cardiac arrest
When to Notify:	If school has lost its WASC accreditation status
Education or Other Code:	Education Code 35178.4
BP/AR #:	BP 6190
Subject:	Loss of status, potential consequences
When/Whom to Notify:	When district has contracted for products or services that advertise
Education or Other Code:	Education Code 35182.5
BP/AR #:	BP 3112
Subject:	Advertising will be used in the classroom or learning center
When to Notify:	At least six months before implementing a schoolwide uniform policy
Education or Other Code:	Education Code 35183
BP/AR #:	AR 5132
Subject:	Dress code policy requiring schoolwide uniform
When to Notify:	Before implementing a year-round schedule
Education or Other Code:	Education Code 37616
BP/AR #:	BP 6117
Subject:	Public hearing on year-round schedule
When to Notify:	When inter-district transfer is requested and not approved or denied within 30 days
Education or Other Code:	Education Code 46601
BP/AR #:	AR 5117
Subject:	Appeal process
When to Notify:	Before early entry to kindergarten, if offered
Education or Other Code:	Education Code 48000
BP/AR #:	AR 5111
Subject:	Effects, advantages and disadvantages of early entry
When to Notify:	When student identified as being at risk of retention
Education or Other Code:	Education Code 48070.5
BP/AR #:	AR 5123
Subject:	Student at risk of retention

**Parental Notifications (continued)**

When to Notify:	When student excluded due to quarantine, contagious or infectious disease, danger to safety or health
Education or Other Code:	Education Code 48213
BP/AR #:	AR 5112.2; BP 5141.33
Subject:	Student has been excluded from school
When to Notify:	Before already admitted student is excluded for lack of immunization
Education or Other Code:	Education Code 48216; 17 CCR 6040
BP/AR #:	AR 5141.31
Subject:	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When to Notify:	When a student is classified a truant
Education or Other Code:	Education Code 48260.5, 48262
BP/AR #:	AR 5113.1
Subject:	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference
When to Notify:	When a truant is referred to a SARB or probation department
Education or Other Code:	Education Code 48263
BP/AR #:	AR 5113.1
Subject:	Name and address of SARB or probation department and referral reason
When to Notify:	When a school is identified on the state's Open Enrollment List
Education or Other Code:	Education Code 48354; 5 CCR 4702
BP/AR #:	AR 5118
Subject:	Student's option to transfer to another school
When to Notify:	Within 60 days of application for transfer out of open enrollment school
Education or Other Code:	Education Code 48357; 5 CCR 4702
BP/AR #:	AR 5118
Subject:	Whether student's transfer application is accepted or rejected; and reasons
When/Whom to Notify:	When student requests to voluntarily transfer to continuation school
Education or Other Code:	Education Code 48432.3
BP/AR #:	AR 6184
Subject:	Copy of district policy and regulation on continuation education
When to Notify:	Prior to involuntary transfer to continuation school
Education or Other Code:	Education Code 48432.5
BP/AR #:	AR 6184
Subject:	Right to require meeting prior to involuntary transfer from school

**Parental Notifications (continued)**

When/Whom to Notify:	To person holding educational rights, prior to recommending placement of foster youth outside school of origin
Education or Other Code:	Education Code 48853.5
BP/AR #:	AR 6173.1
Subject:	Basis for the placement recommendation
When to Notify:	When student is removed from class and teacher requires parental attendance at school
Education or Other Code:	Education Code 48900.1
BP/AR #:	AR 5144.1
Subject:	Parental attendance required; timeline for attendance
When to Notify:	Prior to withholding grades, diplomas, or transcripts
Education or Other Code:	Education Code 48904
BP/AR #:	AR 5125.2
Subject:	Damaged school property
When to Notify:	When withholding grades, diplomas or transcripts from student
Education or Other Code:	Education Code 48904.3
BP/AR #:	AR 5125.2
Subject:	Next school will continue withholding grades, diplomas or transcripts
When to Notify:	When student is released to peace officer
Education or Other Code:	Education Code 48906
BP/AR #:	BP 5145.11
Subject:	Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse
When to Notify:	At time of suspension
Education or Other Code:	Education Code 48911
BP/AR #:	BP/AR 5144.1
Subject:	Notice of suspension
When to Notify:	When original period of suspension is extended
Education or Other Code:	Education Code 48911
BP/AR #:	AR 5144.1
Subject:	Extension of suspension
When to Notify:	At the time a student is assigned to a supervised suspension classroom
Education or Other Code:	Education Code 48911.1
BP/AR #:	AR 5144.1
Subject:	The student's assignment to a supervised suspension classroom

**Parental Notifications (continued)**

When to Notify:	Before holding a closed session re: suspension
Education or Other Code:	Education Code 48912
BP/AR #:	AR 5144.1
Subject:	Intent to hold a closed session re: suspension
When to Notify:	When student expelled from another district for certain acts seeks admission
Education or Other Code:	Education Code 48915.1, 48918
BP/AR #:	BP 5119
Subject:	Hearing re: possible danger presented by expelled student
When to Notify:	When readmission is denied
Education or Other Code:	Education Code 48916
BP/AR #:	AR 5144.1
Subject:	Reasons for denial; determination of assigned program
When to Notify:	When expulsion occurs
Education or Other Code:	Education Code 48916
BP/AR #:	AR 5144.1
Subject:	Description of readmission procedures
When to Notify:	At least 10 calendar days before expulsion hearing
Education or Other Code:	Education Code 48918
BP/AR #:	AR 5144.1
Subject:	Notice of expulsion hearing
When to Notify:	When expulsion or suspension of expulsion occurs
Education or Other Code:	Education Code 48918
BP/AR #:	AR 5144.1
Subject:	Decision to expel; right to appeal to county board; obligation to inform new district of status
When to Notify:	Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school
Education or Other Code:	Education Code 48929, 48990
BP/AR #:	BP 5116.2
Subject:	Right to request a meeting with principal or designee
When to Notify:	One month before the scheduled minimum day
Education or Other Code:	Education Code 48980
BP/AR #:	BP 6111
Subject:	When minimum days are scheduled after the beginning of the school year

**Parental Notifications (continued)**

When to Notify:	When parents/guardians request guidelines for filing complaint of child abuse at a school site
Education or Other Code:	Education Code 48987
BP/AR #:	AR 5141.4
Subject:	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When to Notify:	When student in danger of failing a course
Education or Other Code:	Education Code 49067
BP/AR #:	AR 5121
Subject:	Student in danger of failing a course
When to Notify:	When student transfers from another district or private school
Education or Other Code:	Education Code 49068
BP/AR #:	AR 5125
Subject:	Right to receive copy of student's record and to challenge its content
When/Whom to Notify:	When parent/guardian's challenge of student record is denied and parent/guardian appeals
Education or Other Code:	Education Code 49070
BP/AR #:	AR 5125.3
Subject:	If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection
When/Whom to Notify:	When district is considering program to gather safety-related information from students' social media activity
Education or Other Code:	Education Code 49073.6
BP/AR #:	BP 5125
Subject:	Opportunity for input on proposed program, gather information, access to records, process for removal or corrections, destruction of records
When/Whom to Notify:	When district adopts program to gather information from students' social media activity, and annually thereafter
Education or Other Code:	Education Code 49073.6
BP/AR #:	AR 5125
Subject:	Information is being gathered, access to records, process for removal or corrections, destruction of records
When to Notify:	Within 24 hours of release of information to a judge or probation officer
Education or Other Code:	Education Code 49076
BP/AR #:	AR 5125
Subject:	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition

**Parental Notifications (continued)**

When to Notify: Before release of information pursuant to court order or subpoena  
 Education or Other Code: Education Code 49077  
 BP/AR #: AR 5125  
 Subject: Release of information pursuant to court order or subpoena

When to Notify: When screening results in suspicion that student has scoliosis  
 Education or Other Code: Education Code 49452.5  
 BP/AR #: AR 5141.3  
 Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects  
 Education or Other Code: Education Code 49456; 17 CCR 2951  
 BP/AR #: AR 5141.3  
 Subject: Vision or hearing test results

When to Notify: Within 10 days of negative balance in meal account  
 Education or Other Code: Education Code 49557.5  
 BP/AR #: AR 3551  
 Subject: Negative balance in meal account; encouragement to apply for free or reduced price meals

When to Notify: Annually to parents/guardians of student athletes before their first practice or competition  
 Education or Other Code: Education Code 49475  
 BP/AR #: AR 6145.2  
 Subject: Information on concussions and head injuries

When to Notify: Annually to parents/guardians of student athletes before their first practice or competition  
Education or Other Code: Education Code 49476  
BP/AR #: AR 6145.2  
Subject: Opioid fact sheet

When/Whom to Notify: To person holding educational rights, within 30 days of foster youth homeless youth, or former juvenile court school student being transferred between high schools  
 Education or Other Code: Educational Code 51225.1  
 BP/AR #: BP 6146.1; AR 6173; AR 6173.1; AR 6173.3  
 Subject: Exemption from local graduation requirements, effect on college admission, option for fifth year of high school

When to Notify: Before any test/survey questioning personal beliefs  
 Education or Other Code: Education Code 51513  
 BP/AR #: AR 5022  
 Subject: Permission for test, survey questioning personal beliefs

**Parental Notifications (continued)**

When to Notify:	At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year
Education or Other Code:	Education Code 51938
BP/AR #:	AR 6142.1
Subject:	Instruction in HIV prevention or sexual health by guest speaker or outside consultant
When to Notify:	Prior to administering survey regarding health risks and behaviors to students in 7-12
Education or Other Code:	Education Code 51938
BP/AR #:	AR 5022
Subject:	Notice that the survey will be administered
When to Notify:	Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency
Education or Other Code:	Education Code 52164.1, 52164.3; 5 CCR 11511.5
BP/AR #:	AR 6174
Subject:	Results of state test of English proficiency
When to Notify:	When migrant education program is established
Education or Other Code:	Education Code 54444.2
BP/AR #:	BP/AR 6175
Subject:	Parent advisory council membership composition
When to Notify:	When child participates in licensed child care and development program
Education or Other Code:	Health and Safety Code 1596.857
BP/AR #:	AR 5148
Subject:	Parent/guardian right to enter facility
When/Whom to Notify:	When district receives Tobacco-Use Prevention Education Funds
Education or Other Code:	Health and Safety Code 104420
BP/AR #:	AR 3513.3
Subject:	The district's tobacco-free schools policy and enforcement procedures
When to Notify:	When testing by community water system finds presence of lead exceeding specified level
Education or Other Code:	Health and Safety Code 116277
BP/AR #:	AR 3514
Subject:	Elevated lead level at school

**Parental Notifications (continued)**

When to Notify: When sharing student immunization information with an immunization system  
 Education or Other Code: Health and Safety Code 120440  
 BP/AR #: AR 5125  
 Subject: Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share

When/Whom to Notify: When student complains of sexual harassment  
Education or Other Code: 34 CFR 106.44, 106.45  
BP/AR #: AR 5145.7  
Subject: Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable

When/Whom to Notify: At least 14 days prior to sex offender coming on campus as volunteer  
 Education or Other Code: Penal Code 626.81  
 BP/AR #: AR 1240; BP 1250  
 Subject: Dates and times permission granted; information from law enforcement

When to Notify: When hearing is requested by person asked to leave school premises  
 Education or Other Code: Penal Code 627.5  
 BP/AR #: AR 3515.2  
 Subject: Notice of hearing

When/Whom to Notify: When responding to complaint re: discrimination, special education, or noncompliance with law  
 Education or Other Code: 5 CCR 4631  
 BP/AR #: AR 1312.3  
 Subject: Findings, disposition of complaint, any corrective actions, appeal rights and procedures

When to Notify: When child participates in licensed child care and development program  
 Education or Other Code: 5 CCR 18066  
 BP/AR #: AR 5148  
 Subject: Excused and unexcused absences

When to Notify: Within 30 days of application for subsidized child care or preschool services  
 Education or Other Code: 5 CCR 18094, 18118  
 BP/AR #: AR 5148; AR 5148.3  
 Subject: Approval or denial of services

When to Notify: Upon recertification or update of application for child care or preschool  
 Education or Other Code: 5 CCR 18095, 18119  
 BP/AR #: AR 5148; AR 5148.3  
 Subject: Any change in service, such as fees, amount or termination of service

**Parental Notifications (continued)**

When to Notify:	Upon child's enrollment in child care program
Education or Other Code:	5 CCR 18114
BP/AR #:	AR 5148
Subject:	Policy on fee collection
When to Notify:	When payment of child care fees is seven days late
Education or Other Code:	5 CCR 18114
BP/AR #:	AR 5148
Subject:	Notice of delinquent fees
When to Notify:	When district substantively changes policy on student privacy rights
Education or Other Code:	20 USC 1232h
BP/AR #:	AR 5022
Subject:	Notice of any substantive change in policy or regulation
When to Notify:	For districts receiving Title I funds, when a child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught
Education or Other Code:	20 USC 6312
BP/AR #:	AR 4112.24
Subject:	Timely notice to parent/guardian of child's assignment
When to Notify:	For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners
Education or Other Code:	20 USC 6312
BP/AR #:	AR 6174
Subject:	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program
When to Notify:	For schools receiving Title I funds, upon development of parent involvement policy
Education or Other Code:	20 USC 6316
BP/AR #:	AR 6020
Subject:	Notice of policy
When to Notify:	When household is selected for verification of eligibility for free or reduced-price meals
Education or Other Code:	42 USC 1758; 7 CFR 245.6a
BP/AR #:	AR 3553
Subject:	Need to submit verification information; change in benefits; appeals

**Parental Notifications (continued)**

When/Whom to Notify: When student is homeless or unaccompanied minor  
 Education or Other Code: 42 USC 11432; Education Code 48852.5  
 BP/AR #: AR 6173  
 Subject: Educational and related opportunities; transportation services; placement decision and right to appeal

When to Notify: When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30  
 Education or Other Code: 34 CFR 99.34  
 BP/AR #: AR 5125  
 Subject: Right to review records

When to Notify: When district receives federal funding assistance for nutrition program  
 Education or Other Code: USDA FNS Instruction 113-1  
 BP/AR #: BP 3555  
 Subject: Rights and responsibilities, nondiscrimination policy, complaint procedures

**Special Education Notices**

When to Notify: Prior to conducting initial evaluation  
 Education or Other Code: Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415 (d); 34 CFR 300.502, 300.503  
 BP/AR #: BP/AR 6159.1; AR 6164.4  
 Subject: Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards

When/Whom to Notify: Before functional behavioral assessment begins  
 Education or Other Code: Education Code 56321  
 BP/AR #: AR 6159  
 Subject: Notification and consent

When to Notify: 24 hours before IEP when district intending to record  
 Education or Other Code: Education Code 56341.1  
 BP/AR #: AR 6159  
 Subject: Intention to audio-record IEP meeting

When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting  
 Education or Other Code: Education Code 56341.5; 34 CFR 300.322  
 BP/AR #: AR 6159  
 Subject: Time, purpose, location, who in attendance, participation of others with special knowledge, transition statements if appropriate

**Parental Notifications (continued)**

When to Notify:	When parent/guardian orally requests review of IEP
Education or Other Code:	Education Code 56343.5
BP/AR #:	AR 6159
Subject:	Need for written request
When to Notify:	Within one school day of emergency intervention or property damage
Education or Other Code:	Education Code 56521.1
BP/AR #:	AR 6159.4
Subject:	Emergency intervention
When to Notify:	Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services
Education or Other Code:	20 USC 1415(c); 34 CFR 300.300, 300.503
BP/AR #:	AR 6159; AR 6159.1
Subject:	Prior written notice
When/Whom to Notify:	Upon filing of state complaint
Education or Other Code:	20 USC 1415(d), 34 CFR 300.504
BP/AR #:	AR 6159.1
Subject:	Procedural safeguards notice
When/Whom to Notify:	When disciplinary measures are taken or change in placement
Education or Other Code:	20 USC 1415(k); 34 CFR 300.530
BP/AR #:	AR 5144.2
Subject:	Decision and procedural safeguards notice
When to Notify:	Upon requesting a due process hearing
Education or Other Code:	20 USC 1415(k); 34 CFR 300.508
BP/AR #:	AR 6159.1
Subject:	Child's name, address, school, description of problem, proposed resolution
When to Notify:	Eligibility for services under Section 504
Education or Other Code:	34 CFR 104.32, 104.36
BP/AR #:	AR 6164.6
Subject:	District responsibilities, district actions, procedural safeguards

**Parental Notifications (continued)**

**Classroom Notices**

When to Notify:	In each classroom in each school
Education or Other Code:	Education Code 35186
BP/AR #:	AR/E 1312.4
Subject:	Complaints re: sufficiency of instructional materials, teacher vacancy and misassignment, maintenance of facilities, right of students who did not pass the exit exam to receive intensive instruction after grade 12, <u>complaints subject to Williams Uniform Complaint Procedures</u>

Exhibit  
adopted: 02/1996  
Revised: 05/2003; 08/09/2011; 05/14/2013  
Revised: 06/28/2016; 05/23/2017  
Revised: 05/08/2018

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

**SEXUAL HARASSMENT**

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

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. ~~Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.~~

~~The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.~~

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

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

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

**Instruction/Information**

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

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

**Sexual Harassment (continued)**

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

**Disciplinary Actions Complaint Process**

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

~~Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3—Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.~~

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

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

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

**Sexual Harassment (continued)**

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

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

**Record-Keeping and Confidentiality**

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

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5CCR 4964)

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

*Legal Reference:*EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct or minor

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20 1681-1688 Title IX, DiscriminationUNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VZ; Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

Policy

adopted: 03/26/2002

Revised: 10/23/2012; 09/27/2016; 09/24/2019

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

## ***PROPOSED REVISED ADMINISTRATIVE REGULATION***

### **Students**

AR 5145.7(a)

### **SEXUAL HARASSMENT**

#### **Definitions**

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student'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 student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

**Sexual Harassment (continued)**

**Examples of Sexual Harassment**

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

**Title IX Coordinator/Compliance Officer**

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee investigate, and/or resolve sexual harassment complaints processed under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

Director of Student Services  
1717 W. Merced Avenue  
West Covina, CA 91790  
626-939-4600, ext. 4682

**Notifications**

The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

**Sexual Harassment** (continued)

The district shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)
5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR 106.8)

The Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

**Sexual Harassment (continued)****Reporting Complaints**

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district complaint procedures.

**Complaint Procedures**

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint.

All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 - Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

Regulation  
approved: 03/26/2002  
Revised: 10/23/2012; 09/27/2016; 09/24/2019

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

## ***PROPOSED REVISED ADMINISTRATIVE REGULATION***

**Students**

AR 5145.71(a)

### **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**

The complaint procedures described in this regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which a district exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment:

1. A district employee conditioning the provision of a district aid, benefit, or service on the student'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 student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints or allegations brought by or on behalf of students shall be investigated and resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under BP/AR 1312.3 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for BP/AR 1312.3 are concurrently met while implementing the Title IX procedure.

#### **Reporting Allegations/Filing a Formal Complaint**

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment or to any other available school employee, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, email, or any other method authorized by the district.

**Title IX Sexual Harassment Complaint Procedures (continued)**

Even if the alleged victim chooses not to file a complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the district's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

**Supportive Measures**

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall 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 shall be non-disciplinary, non-punitive, and designed to restore or preserve equal access to the district's education program or 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, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall 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)

**Emergency Removal from School**

A student shall not be disciplined for alleged sexual harassment under Title IX until the investigation has been completed. However, on an emergency basis, 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)

**Title IX Sexual Harassment Complaint Procedures (continued)**

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)

**Dismissal of Complaint**

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

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

If a complaint is dismissed, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

**Informal Resolution Process**

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. 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)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

**Title IX Sexual Harassment Complaint Procedures (continued)****Written Notice**

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting 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 allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.
3. 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
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

**Investigation Procedures**

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

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, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties

**Title IX Sexual Harassment Complaint Procedures (continued)**

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. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, 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

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)

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

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 the Title IX requirements.

**Written Decision**

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the 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

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

**Title IX Sexual Harassment Complaint Procedures (continued)**

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting 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 decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
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 decision 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

**Appeals**

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

**Title IX Sexual Harassment Complaint Procedures (continued)**

4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision 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.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

The district's decision may be appealed to the California Department of Education within 30 days of the written decision in accordance with BP/AR 1312.3.

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.

**Remedies**

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. (34 CFR 106.45)

**Corrective/Disciplinary Actions**

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure 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 complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

**Title IX Sexual Harassment Complaint Procedures (continued)**

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

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

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

**Record-Keeping**

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances
3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public

**PHYSICAL EDUCATION AND ACTIVITY**

The Governing Board recognizes the positive benefits of physical activity on student health and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

Physical education classes shall be conducted in the coeducational, inclusive manner prescribed by law. The district shall provide instruction in physical education that provides equal access and equal opportunities for participation for all students in grades 1 – 12 regardless of gender, gender expression, sexual orientation, and mental or physical disability. (Education Code 220, 221.5, 33352; 5 CCR 4900, 4930, 4931, 4940, 4960; 34 CFR 106.33, 106.34, 300.108)

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework.

~~The district's physical education program shall engage students in moderate to vigorous physical activity, as defined in the accompanying administrative regulation, for at least 50 percent of class or session time.~~ The district's physical education program shall engage students in age-appropriate moderate to vigorous physical activity, as defined in the accompanying administrative regulation, including aerobic, muscle-strengthening, and bone-strengthening activities. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

For grades 9-12, the overall course of study shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

~~The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.~~

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

### **Physical Education and Activity (continued)**

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

### **Staffing**

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

### **Physical Fitness Testing**

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

### **Temporary Exemptions**

The Superintendent or designee may grant a student a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet his/her needs cannot be provided.
2. The student is enrolled for one-half time or less.

### **Two-Year Exemptions**

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the FITNESSGRAM in grade 9. (Education Code 51241)

### **Physical Education and Activity (continued)**

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the FITNESSGRAM to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Students in grades 10-12 who have been granted a two-year exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

### **Permanent Exemptions**

The Superintendent or designee may grant a student a permanent exemption from physical education under any of the following conditions: (Education Code 51241)

1. The student is aged 16 years or older and has been enrolled in grade 10 for one or more academic years. However, such a student shall not be permitted to attend fewer total hours of courses and classes than he/she would have attended if enrolled in a physical education course.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

Students who have been granted a permanent exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 33352)

### **Other Exemptions**

The Superintendent or designee may grant a student an exemption from physical education under the following special circumstances:

1. When the student is in any of grades 10-12 and is excused for up to 24 clock hours in order to participate in automobile driver training. However, any such student shall attend a minimum of 7,000 minutes of physical education instruction during the school year. (Education Code 51222)

**Physical Education and Activity (continued)**

2. When the student is in any of grades 10-12, attends a regional occupational center or program, and, because of the travel time involved, would experience hardship to attend physical education courses. Any such student shall have a minimum school day of 180 minutes.
3. When the student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

**Program Evaluation**

The Superintendent or designee shall annually report to the Board each school's FITNESSGRAM results for each applicable grade level. He/she shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity and student well being.

**PHYSICAL EDUCATION AND ACTIVITY****Definitions**

Physical education is a sequential educational program that teaches students to understand and participate in regular physical activity for developing and maintaining physical fitness throughout their lifetime, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

Physical activity is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

Moderate physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

Vigorous physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

**Instructional Time**

Instruction in physical education shall be provided for at least the following minimum period of time: (Education Code 51210, 51222, 51223)

1. For students in grades 1-6, 200 minutes each 10 school days, exclusive of recesses and the lunch period
2. For students in grades 7-8 attending an elementary school, 200 minutes each 10 school days, exclusive of recesses and the lunch period
3. For students in grades 7-8 attending a middle school or junior high school, 400 minutes each 10 school days
4. For students in grades 9-12, 400 minutes each 10 school days

### **Physical Education and Activity (continued)**

If the instructional minute requirement cannot be met during any 10-day period due to inclement weather, a school assembly, field trip, student assessment, or other circumstance, the school shall make up those minutes on another day in order to satisfy the instructional minute requirement.

The Superintendent or designee shall determine a method to document compliance with the required number of instructional minutes. Such documentation may include, but not be limited to, a master schedule, bell schedule, weekly schedule for each teacher providing physical education, district calendar, teacher roster, or log for staff or students to record the number of physical education minutes completed.

Any complaint alleging noncompliance with the instructional minute requirement for elementary schools may be filed in accordance with the district's procedures in AR 1312.3 – Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or the CDE finds merit in a complaint, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 51210, 51223; 5 CCR 4600-4687)

### **Monitoring Moderate to Vigorous Physical Activity**

To monitor whether students are engaged in moderate to vigorous physical activity for at least 50 percent of physical education class or session time, the Superintendent or designee may:

1. Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity or the number of students who are inactive during physical education classes
2. Provide physical education teachers with staff development, self-monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes

### **Physical Fitness Testing**

During the annual assessment window between the months of February through May, students in grades 5, 7, and 9 shall be administered the physical fitness test designated by the State Board of Education (FITNESSGRAM). (Education Code 60800; 5 CCR 1041)

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

**Physical Education and Activity (continued)**

On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and California Department of Education for all matters related to the physical fitness test. His/her duties shall be those specified in 5 CCR 1043.4, including, but not limited to, overseeing the administration of the test and the collection and return of all test data to the test contractor. (5 CCR 1043.4)

1. Responding to correspondence and inquiries from the contractor in a timely manner and as provided in the contractor's instructions
2. Determining district and school site test and test material needs
3. Overseeing the administration of the physical fitness test to students
4. Overseeing the collection and return of all test data to the contractor
5. Ensuring that all test data are received from school test sites in sufficient time to satisfy the reporting requirements
6. Ensuring that all test data are sent to the test contractor by June 30 of each year

Students shall be provided with their individual results after completing the FITNESSGRAM. The test results may be provided in writing or orally as the student completes the testing and shall be included in his/her cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)

Each student's test results shall also be provided to his/her parents/guardians.

The Superintendent or designee shall report the aggregate results of the FITNESSGRAM in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

**Testing Variations**

All students may be administered the FITNESSGRAM with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

**Physical Education and Activity (continued)**

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment
2. Separate testing for individual students provided that they are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5CCR 1047)

1. Administration of the test at the most beneficial time of date to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital
3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that they are directly supervised by the test examiner
2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

**Physical Education and Activity (continued)**

**Additional Opportunities for Physical Activity**

The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:

1. Training recess and lunch supervisors on methods to engage students in moderate to vigorous physical activity
2. Encouraging teachers to incorporate physical activity into the classroom
3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, special events, and competitions
4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs
5. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities
6. Developing business partnerships to maximize resources for physical activity equipment and programs
7. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school

Regulation  
approved: 06/14/2016

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

## HIGH SCHOOL GRADUATION REQUIREMENTS

The Governing Board desires to prepare all students to obtain a high school diploma so that they can take advantage of opportunities for postsecondary education and employment.

The Board of Education directs the Superintendent to establish requirements for graduation from the West Covina Unified School District. These graduation requirements should include areas cited in Education Code 51225.3 in addition to areas identified by the Board of Education.

The Superintendent or designee shall establish a graduation committee for the purpose of ensuring Education Code compliance and local area emphasis. Administrative regulations which support this policy shall specifically define the subject areas, required credits, and assessment requirements.

### Requirements for Graduation

All students in grades 9 through 12 shall complete the following course of study in order to receive a high school diploma. Each course passed (grade A, B, C, D) earns a student 5 credits per semester unless granted otherwise by the principal, and the variations will be on file at the District office. All passing grades receive equal credit in any given class. A total of 220 credits are required for graduation from the high schools of the District.

English	40 credits
World History and Cultures	10 credits
U.S. History	10 credits
Mathematics (Must include 10 credits in Integrated Math I or equivalent, or a higher level course)	20 credits
Science (Must include Life and Physical Science)	20 credits
American Government	5 credits
Economics	5 credits
Fine Arts, Career Technical Education (CTE), or Foreign Language	10 credits
<u>World Language (A course in American Sign Language shall be deemed a course in Foreign Language World Language). To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education. (Education Code 51225.3)</u>	

**High School Graduation Requirements (continued)**

Physical Education	20 credits
Electives	80 credits
Total Requirement	220 credits

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

**Exemptions and Waivers**

District students are required to complete graduation course requirements specified above, including the requirements imposed by Education Code 51225.3 and those adopted by the Board. However, a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers into the district or between district schools any time after completing the second year of high school, or a newly arrived immigrant student who is in the third or fourth year of high school and is participating in a newcomer program, shall be exempted from any graduation requirements adopted by the Board that are in addition to statewide course requirements. This exemption shall not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school. Within 30 days of the transfer or of the commencement of participation in a newcomer program, as applicable, the Superintendent or designee shall notify any eligible student of the availability of the exemption and whether the student qualifies for it. (Education Code 51225.1)

**Retroactive Diplomas**

Any student who completed grade 12 in the 2003 – 2004 through 2014 – 2015 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

In addition, the district may retroactively grant high school diplomas to: (Education Code 48204.4, 51430, 51440).

1. Persons who departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

**High School Graduation Requirements (continued)**

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the district that are consistent with the purposes of Education Code 48204.4.

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the United States or through online or virtual courses.

2. Former students who were interned by order of the federal government during World War II or who are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a district school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars.

Deceased former students who satisfy these conditions may be granted a retroactive diploma to be received by their next of kin.

3. Veterans who entered the military service of the United States while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school.
4. Were in their senior year of high school during the 2019-20 school year, were in good academic standing and on track to graduate at the end of the 2019-20 school year as of March 1, 2020, and were unable to complete the statewide graduation requirements as a result of the COVID-19 crisis.

**Honorary Diplomas**

The Board may grant an honorary high school diploma to: (Education Code 51225.5)

1. An international exchange student who has not completed the course of study ordinarily required for graduation and who is returning to the home country following the completion of one academic school year in the district
2. A student who is terminally ill

## High School Graduation Requirements (continued)

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the district. (Education Code 51225.5)

### *Legal Reference:*

#### EDUCATION CODE

47612 Enrollment in charter school  
48200 Compulsory attendance  
48204.4 Parents/guardians departing California against their will  
48412 Certificate of proficiency  
48430 Continuation education schools and classes  
48645.5 Acceptance of coursework  
48980 Required notification at beginning of term  
49701 Interstate Compact on Educational Opportunity for Military Children  
51224 Skills and knowledge required for adult life  
51224.5 Algebra instruction  
51225.1 Exemption from district graduation requirements  
51225.2 Student in foster care defined; acceptance of coursework, credits, retaking of course  
51225.3 High school graduation  
51225.35 Mathematics course requirements; computer science  
51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation  
51225.5 Honorary diplomas  
51225.6 Compression-only cardiopulmonary resuscitation  
51228 Graduation requirements  
51240-51246 Exemptions from requirements  
51250-51251 Assistance to military dependents  
51410-51413 Diplomas  
51420-51427 High school equivalency certificates  
51430 Retroactive high school diplomas  
51440 Retroactive high school diplomas  
51450-51455 Golden State Seal Merit Diploma  
51745 Independent study restrictions  
56390-56392 Recognition for educational achievement, special education  
66204 Certification of high school courses as meeting university admissions criteria  
67386 Student safety; affirmative consent standard

#### CODE OF REGULATIONS, TITLE 5

1600-1651 Graduation of students from grade 12 and credit toward graduation  
4600-4670 Uniform complaint procedures

#### COURT DECISIONS

*O'Connell v. Superior Court (Valenzuela)*, (2006) 141 Cal.App.4th 1452

Policy

adopted: 01/27/1992

Revised: 02/28/1995; 06/22/1999; 05/09/2006

Revised: 06/13/2006; 06/14/2016; 09/24/2019

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

**CERTIFICATE OF PROFICIENCY/HIGH SCHOOL EQUIVALENCY**

The Governing Board desires that every student have the opportunity to earn a high school diploma through successful completion of class work and examination. However, when a student is unable to do so, the Board encourages completion of an alternative program that allows him/her to obtain an equivalent certificate.

~~Eligible persons may obtain a certificate of proficiency or a high school equivalency certificate in accordance with law, Board policy and administrative regulation.~~

Eligible persons who pass the California High School Proficiency Examination may obtain a certificate of proficiency from the State Board of Education (SBE). Eligible persons who pass a general educational development test designated by the SBE may obtain a high school equivalency certificate from the testing service.

The Superintendent or designee shall make information available to interested persons regarding the eligibility and examination requirements of each program.

Interested persons shall register for the test directly with the testing service and pay the applicable fee. However, the fee shall be waived for a homeless or foster youth who is under age 25 years, meets all other registration requirements, and submits certification of homeless or foster youth status. (Education Code 48412; 5 CCR 11524-11526, 11533-11534.1)

*Legal Reference:*EDUCATION CODE*48400-48403 Persons subject to compulsory continuation education**48410 Persons exempt from continuation classes**48412 Certificate of proficiency; examination fees**48413 Enrollment in continuation classes**48414 Reenrollment in district**51420-51427 High school equivalency certificate**52052 Academic Performance Index, dropout recovery high schools*CODE OF REGULATIONS, TITLE 5*11520-11523 Proficiency examination and certificate**11530-11532 High school equivalency certificate (GED)*

**CERTIFICATE OF PROFICIENCY/HIGH SCHOOL EQUIVALENCY****Certificate of Proficiency**

The principal of each school maintaining grades 11 and 12 shall distribute to each student in those grades an announcement explaining the California High School Proficiency Examination (CHSPE). Announcements from the California Department of Education (CDE) or its contractor shall be distributed early enough to enable interested students to register for the test to be given in the fall of that year. (5 CCR 11523)

The principal also shall advise students that the certificate of proficiency awarded upon passing the CHSPE, while equivalent to a high school diploma, is not the equivalent of completing all coursework required for high school graduation and therefore students should contact the admissions office of the college or university they are interested in attending to determine if the certificate satisfies college admission requirements.

Any student may take the CHSPE if he/she meets one of the following conditions: (Education Code 48412)

1. Is age 16 or older
2. Has been enrolled in the 10<sup>th</sup> grade for one school year or longer
3. Will complete one school year of enrollment in 10<sup>th</sup> grade at the end of the semester during which the CHSPE will be administered

If a student receives the certificate of proficiency, the district shall indicate the student's accomplishment and the date of the award on the student's official transcript. (5 CCR 11521)

Any student who has received the certificate of proficiency may be exempted from compulsory school attendance upon his/her request with verified parent/guardian consent. (Education Code 48410)

The consent form to be exempted from compulsory school attendance shall be provided by the Superintendent or designee and shall contain at least the following information: (5 CCR 11522)

1. A general explanation of the student's rights of exemption from compulsory attendance and of re-enrollment in the public schools
2. The date of issuance of the certificate of proficiency
3. The signature of the parent/guardian and the date

**Certificate of Proficiency/High School Equivalency (continued)**

4. The signature of the school administrator who has personally confirmed the authenticity of the parent/guardian's signature and the date

If a student age 16 or 17 terminates his/her enrollment after receiving the high school proficiency certificate, he/she may re-enroll in the district with no adverse consequences. If he/she subsequently terminates enrollment again, he/she may be denied re-enrollment until the beginning of the following semester. (Education Code 48414)

**High School Equivalency Certificate**

An eligible person may earn a high school equivalency certificate by passing a general educational development test designated by the State Board of Education pursuant to Education Code 51420, including the General Educational Development (GED) test; or the High School Equivalency Test (HiSET); ~~or the Test Assessing Secondary Completion (TASC).~~

Any person is eligible to take a test leading to a high school equivalency certificate if he/she is a resident of California or a member of the armed forces assigned to duty in California and meets any one of the following criteria: (Education Code 51420; 5 CCR 11532)

1. Is 18 years of age or older, or within 60 days of his/her 18<sup>th</sup> birthday, regardless of enrollment status
2. Is not currently enrolled in school and is within 60 days of when he/she would have graduated from high school had he/she remained in school and followed the usual course of study
3. Is 17 years of age, has been out of school for at least 60 consecutive days, and provides a letter of request for the test from the military, a postsecondary educational institution, or a prospective employer
4. Is 17 years of age, has accumulated fewer than 100 units of high school credit, is confined to a state or county hospital or to an institution maintained by a state or county correctional facility, and meets other criteria listed in 5 CCR 11532
5. Is 17 years of age, has accumulated fewer than 100 units of high school credit prior to enrollment in a dropout recovery high school's academic program as defined in Education Code 52052, and has successfully completed the dropout recovery high school's instructional program which is aligned to state standards, offers the opportunity for a high school diploma, and provides services for at least one year

**Certificate of Proficiency/High School Equivalency (continued)**

~~*Dropout recovery high school* is a high school in which 50 percent or more of its students have been designated as dropouts pursuant to exit/withdrawal codes developed by the CDE. (Education Code 52052)~~

Regulation  
adopted: 02/26/2013  
Revised: 05/12/2015

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

**PROPOSED NEW EXHIBIT**

**Instruction**

E 6146.2(a)

**CERTIFICATE OF PROFICIENCY/HIGH SCHOOL EQUIVALENCY**

**NOTICE AND CONSENT TO DISCONTINUE SCHOOL ATTENDANCE  
FOR STUDENTS WITH A CERTIFICATE OF PROFICIENCY**

Notice of Student Rights: Students who pass the California High School Proficiency Examination (CHSPE) and receive a Certificate of Proficiency issued by the State Board of Education may continue to attend school, but upon request will be exempted from compulsory school attendance pursuant to Education Code 48410. If the student is under 18 years of age, the student's parent/guardian must also provide approval in order for the student to discontinue school attendance.

If the student leaves school after receiving a Certificate of Proficiency and is under 18 years of age, the student may later decide to re-enroll in the district with no adverse consequences. In this case, the student may be required to meet new or additional requirements established since the student was previously enrolled. If the student re-enrolls and then leaves school again, the student may be denied re-admittance until the beginning of the following semester.

For further information about leaving school after obtaining the Certificate of Proficiency, contact the principal or school guidance counselor.

Student's name: \_\_\_\_\_

School: \_\_\_\_\_

Date on which the Certificate of Proficiency was issued: \_\_\_\_\_

To be completed by student: I understand the rights granted to students who are awarded the Certificate of Proficiency to disenroll from school, and to re-enroll if desired before the age of 18. I hereby notify the school district of my intent to disenroll from school.

Student's signature: \_\_\_\_\_ Date: \_\_\_\_\_

To be completed by parent/guardian: I hereby grant consent for my minor child to disenroll from school.

Parent/guardian's name (please print): \_\_\_\_\_

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

**Certificate of Proficiency/High School Equivalency (continued)**

To be completed by school administrator: I hereby verify the parent/guardian's signature and date recorded above.

Name of school administrator (please print): \_\_\_\_\_

Position: \_\_\_\_\_

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

Exhibit  
adopted:

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

## ***PROPOSED REVISED BOARD POLICY***

### **Instruction**

BP 6159(a)

### **INDIVIDUALIZED EDUCATION PROGRAM**

The Governing Board desires to provide full educational opportunities to all students with disabilities. Students with disabilities shall receive free appropriate public education (FAPE) and, to the maximum extent possible, shall be educated in the least restrictive environment with nondisabled students.

For each student with disabilities, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. The Superintendent or designee shall develop administrative regulations regarding the membership of the IEP team, the team's responsibility to develop and regularly review the IEP, the contents of the IEP, and the development, review, and revision processes.

The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, including: (Education Code 6040; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)

1. Students who have been suspended or expelled from school
2. Students who are placed by the district in a nonpublic, nonsectarian school
3. Individuals age 18-21 years who are incarcerated in an adult correctional facility and were identified as being an individual with disabilities or had an IEP in their prior educational placement

*Legal Reference (see next page):*

**Individualized Education Program (continued)***Legal Reference:*EDUCATION CODE

46392 Emergencies

51225.3, Requirements for high school graduation and diploma

56040.3 Assistive technology

56055, Rights of foster parents pertaining to foster child's education

56136, Guidelines for low incidence disabilities areas

56195.8, Adoption of policies

56321, Development or revision of IEP

56321.5, Notice to include right to electronically record

56340.1-56347, Instructional planning and individualized education program

56350-56354, IEP for visually impaired students

56380, IEP reviews; notice of right to request

56390-56392, Certificate of completion, special education

56500-56509, Procedural safeguards

60640-60649, California Assessment of Student Performance and Progress

FAMILY CODE

6500-6502, Age of majority

GOVERNMENT CODE

7572.5, Seriously emotionally disturbed child, expanded IEP team

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

601 Minors habitually disobedient

602 Minors violating law defined as crime

CODE OF REGULATIONS, TITLE 5

852-853.5, State assessments, accommodations

3021-3029, Identification, referral and assessment

3040-3043, Instructional planning and the individualized education program

3051-3053 Implementation of the individualized education program

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482, Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818, Individuals with Disabilities Education Act

COURT DECISIONSMarshall v. Monrovia Unified School District, (9<sup>th</sup> Circuit, 2010) 627 F.3d 773

Schaffer v. Weast (2005) 125 S. Ct. 528

Shapiro v. Paradise Valley Unified School District, No. 69 (9<sup>th</sup> Circuit, 2003) 317 F.3d 1072Sacramento City School District v. Rachel H., 14 F.3d 1398 (9<sup>th</sup> Cir. 1994)

Endrew F. v. Douglas County School District Re-1, 137 S. Ct. 988

ATTORNEY GENERAL OPINIONS

85 Ops. Cal. Atty. Gen. 157 (2002)

Policy

adopted: 02/09/1993

Revised: 02/11/1997; 05/27/2003

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

## INDIVIDUALIZED EDUCATION PROGRAM

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with a disability within district jurisdiction. (34-CFR 300.342) The IEP shall be a written statement that is developed, reviewed, and revised by the IEP team to meet the unique educational needs of a student with a disability. (Education Code 56344, 56345; 34 CFR 300.320, 300.323)

### Members of the IEP Team

Unless excused by written agreement in accordance with Education Code 56341, The IEP team for any student with a disability shall include at least the following members: (Education Code 56341, 56341.5; 20 USC 1414; 34 CFR 300.321) (20 USC 1414(d)(1); 34 CFR 300.344; Education Code 56341)

1. One or both of the student's parents/guardians, and/or a representative selected by the parent/guardian them. To the extent permitted by federal law, a foster parent shall have the same rights relative to a foster child's IEP as a parent/guardian. (Education Code 56055)
2. If the student is or may be participating in the regular general education program, at least one of the student's general regular education teachers designated by the Superintendent or designee to represent the student's general education teachers

The general education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320. (Education Code 56341; 20 USC 1414; 34 CFR 300.324)

3. At least one of the student's special education teachers or, where appropriate, at least one special education providers for the student
4. A representative of the district, Special Education Local Plan Area (SELPA) or county office of education who is:
  - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities
  - b. Knowledgeable of the general curriculum
  - c. Knowledgeable about the availability of district and/or SELPA resources

**Individualized Education Program (continued)**

5. An individual who can interpret the instructional implications of assessment results

This individual may already be a member of the team as described ~~above or~~ in items #2-4 above or in item #6 below.

6. At the discretion of the parent/guardian or the Superintendent or designee ~~district~~, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate

The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team. (~~Education Code 56341~~)

7. Whenever appropriate, the student with the disability

In the development, review, or revision of the IEP, the student shall be allowed to provide confidential input to any representative of the IEP team. (Education Code 56341.5)

8. ~~For transition service consideration:~~

- a. ~~The student, regardless of his/her age, if the purpose of the meeting is the consideration of the student's postsecondary goals and the transition service needed to assist him/her in reaching those goals pursuant to 34 CFR 300.320(b)~~

~~If the student does not attend the IEP team meeting, the district shall take other steps to ensure that his/her preferences and interests are considered.~~

- b. ~~To the extent appropriate, and with the consent of the parent/guardian, a representative of any other agency that is likely to be responsible for providing or paying for transition services~~

89. For students When a student is suspected of having a specific learning disability in accordance with 34 CFR 300.308 and 34 CFR 300.310, at least one individual who is qualified to conduct individual diagnostic examinations of the student, such as a school psychologist, speech language pathologist or remedial reading teacher

**Individualized Education Program (continued)**

In accordance with 34 CFR 300.310, at least one team member other than the student's regular general education teacher shall observe the student's academic performance and behavior in the areas of difficulty in ~~his/her~~ the student's learning environment, including in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

10. ~~For students who have been placed in a group home by the juvenile court, a representative of the group home~~

In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:

1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend IEP team meetings. (Education Code 56341.2)
2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist the student in reaching the goals, the following individuals shall be invited to attend: (34 CFR 300.321)
  - a. The student, regardless of the student's age  
If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and interests are considered.
  - b. To the extent appropriate, and with the consent of the parent/guardian or adult student, a representative of any other agency that is likely to be responsible for providing or paying for the transition services
3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 9500-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (Education Code 56341; 20 USC 1414; 34 CFR 300.321)

~~Upon request of the parent/guardian of a child who was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), the district shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (Education Code 56341; 20 USC 1414(d)(1)(D); 34 CFR 300.321)~~

**Individualized Education Program (continued)**

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. Even if the meeting involves a discussion the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (Education Code 56341; 20 USC 1414(d)(1)(C); 34 CFR 300.321)

**Parent/Guardian Participation and Other Rights**

~~The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)~~

~~The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)~~

- ~~1. — Indicate the purpose, time, and location of the meeting~~
- ~~2. — Indicate who will be in attendance at the meeting~~
- ~~3. — Inform them of:
 
  - ~~a. — Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341(b)(6)~~
  - ~~b. — The provision of Education Code 56341(i) relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004)~~~~

~~In addition when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)~~

**Individualized Education Program (continued)**

1. ~~An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414(d)(1)(A)(i)(VIII), and 34 CFR 300.320(b)~~
2. ~~An indication that the student is invited to send a representative~~
3. ~~Identification of any other agency that will be invited to send a representative~~

~~At each IEP team meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)~~

~~The parent/guardian shall have the right and opportunity to examine all of his/her child's school records upon request and before any IEP meeting. Upon receipt of an oral or written request, the district shall provide complete copies of the records within five business days. (Education Code 56043)~~

~~If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414(f); 34 CFR 300.322)~~

~~An IEP team meeting may be conducted without a parent/guardian in attendance if the district is unable to convince the parent/guardian that he/she should attend. In such a case, the district shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)~~

1. ~~Detailed records of telephone calls made or attempted and the results of those calls~~
2. ~~Copies of correspondence sent to the parent/guardian and any responses received~~
3. ~~Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits~~

~~Parents/guardians and the district shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the district gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. Parents/guardians also have the right to: (Education Code 56341.1)~~

**Individualized Education Program (continued)**

1. ~~Inspect and review the audio recordings~~
2. ~~Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights~~
3. ~~Challenge in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights~~

~~The district shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)~~

~~The district shall give the parents/guardians of a student with disabilities a copy of his/her child's IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)~~

**Parent/Guardian Consent**

~~Before providing special education and related services, the district shall seek to obtain informed consent pursuant to 20 USC 1414(a)(1). The district shall not provide services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f) if the parent/guardian refuses to consent to the initiation of services. If the parent/guardian does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. (Education Code 56346)~~

~~If the district determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with a free appropriate public education (FAPE), a due process hearing shall be initiated in accordance with 20 USC 1415(f). While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the district agree otherwise. (Education Code 56346)~~

~~If at any time subsequent to the initial provision of services, the student's parent/guardian revokes consent, in writing, for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The district shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)~~

~~When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.~~

## **Individualized Education Program (continued)**

### **Contents of the IEP**

~~The IEP shall be a written statement developed, reviewed, and revised in a meeting of the IEP team. It shall include, but is not limited to, all of the following: (Education Code 56043, 56345, 56345.1; 20 USC 1414(d)(1)(A); 34 CFR 300.320)~~

The IEP shall include, but not be limited to, all of the following: (Education Code 56345, 56345.2; 20 USC 1414; 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:
  - a. The manner in which the student's disability affects his/her involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)
  - b. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities
  - c. For students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives
2. A statement of measurable annual goals, including academic and functional goals, designed to:
  - a. Meet the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general education curriculum
  - b. Meet each of the student's other educational needs that result from his/her disability
3. A description of the manner in which the student's progress toward meeting the annual goals described in item #2 above will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards

**Individualized Education Program (continued)**

4. A statement of the special education instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:
    - a. Advance appropriately toward attaining the annual goals
    - b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
    - c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in the statement, pursuant to Education Code 56345(a)
  5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in the IEP ~~statement mentioned in item #4 above~~
  6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments
- If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or districtwide assessment, the student's IEP also shall include a statement of the reason that he/she cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate for him/her.
7. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location, and duration of those services and modifications
  8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:
    - a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills

**Individualized Education Program (continued)**

- b. The transition services, including courses of study, needed to assist the student in reaching those goals
- 9. A description of the means by which the IEP will be provided under emergency conditions, as described in Education Code 46392, in which instruction and/or services cannot be provided to the student either at the school or in person for more than 10 school days. The description shall take into account public health orders and shall include special education and related services, supplementary aids and services, transition services, and extended school year services.
- 10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, that will transfer to him/her upon reaching age 18, pursuant to Education Code 56041.5
- 11. For a student in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation
- 12. For a student whose native language is not English, linguistically appropriate goals, objectives, programs, and services
- 13. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)
- 14. If the student is to be transferred from a special class or nonpublic, nonsectarian school into a general education program in a public school for any part of the school day, provision for transition into the general education program, including descriptions of activities intended to:
  - a. Integrate the student into the general education program, including the nature of each activity and the time spent on the activity each day or week
  - b. Support the transition of the student from the special education program into the general education program
- 15. For a student with low incidence disabilities, specialized services, materials, and equipment consistent with the guidelines pursuant to Education Code 56136

**Individualized Education Program (continued)**

To assist a student who is blind, has low vision, or is visually impaired to achieve the student's maximum potential, the IEP team may consider instruction in the expanded core curriculum, including compensatory skills such as Braille, concept development, or other skills needed to access the core curriculum; orientation and mobility; social interaction skills; career technical education; assistive technology, including optical devices; independent living skills; recreation and leisure; self-determination; and sensory efficiency. When appropriate, such services may be offered before or after school. (Education Code 56353)

**Development of the IEP**

Within 30 days of a determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted. (Education Code 56043; 34 CFR 300.323)

Any IEP required as a result of an assessment of a student shall be developed within 60 days from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. Days between the student's regular school sessions, terms, or vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code 56043, 56344)

However, when the IEP is required as a result of an assessment of a student for whom a referral has been made 30 days or less prior to the end of the preceding regular school year, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year. (Education Code 56344)

In developing the IEP, the IEP team shall consider all for the following: (Education Code 56341.1, 56345; 20 USC 1414; 34 CFR 300.324)

1. The strengths of the student
2. The concerns of the parents/guardians for enhancing the education of their child
3. The results of the initial or most recent assessment of the student
4. The academic, developmental, and functional needs of the student
5. In the case of a student whose behavior impedes the student's learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior

**Individualized Education Program (continued)**

6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille

However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, needs, and appropriate reading and writing media, including an assessment of future needs for instruction in Braille or the use of Braille.

8. The communication needs of the student and, in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, as described in Education Code 5645.

9. Whether the student requires assistive technology devices and services

If considering the special factors in items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team shall include a statement to that effect in the student's IEP. Education Code 56341.1)

**Provision of Special Education and Related Services**

The district shall ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with the IEP. (Education Code 56344; 34 CFR 300.323)

The Superintendent or designee shall ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Superintendent or designee also shall ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

**Individualized Education Program (continued)**

If an orientation and mobility evaluation is determined to be needed for a student who is blind, has low vision, or is visually impaired, the evaluation shall be conducted by a person who is appropriately certified as an orientation and mobility specialist and shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate. The Superintendent or designee may require annual written parent/guardian consent as appropriate. The Superintendent or designee may require annual written parent/guardian consent to provide orientation and mobility services when such services are provided before or after school and when they are provided away from the school site. (Education Code 56354; 5 CCR 3051.3)

If a student's IEP requires the provision of assistive technology devices or services, the district shall provide such devices or services and shall, on a case-by-case basis, provide for the use of school-purchased devices in the student's home or other settings if the IEP team determines that the student needs access to those devices in order to receive FAPE. If a student who requires the use of an assistive technology device transfers to another local educational agency, the district shall provide the student with continued access to that device or a comparable device for two months from the date the student ceased to be enrolled in the district or until alternative arrangements can be made to provide access to the devices, whichever occurs first. (Education Code 56040.3; 34 CFR 300.105)

**Review and Revision of the IEP**

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to: (Education Code 56043, 56341.1, 56380; 20 USC 1414; 34 CFR 300.324)

1. Determine whether the annual goals for the student are being achieved
2. Revise the IEP, as appropriate, to address:
  - a. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate
  - b. The results of any reassessment conducted pursuant to Education Code 56381
  - c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 300.305 and Education Code 56381
  - d. The student's anticipated needs
  - e. Any other relevant matter
3. Consider the special factors listed in items #5-9 above under "Development of the IEP" when reviewing the IEP of any student with a disability to whom one of those factors may apply.

**Individualized Education Program (continued)**

The IEP team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP. (Education Code 56343)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

A regular education or special education teacher may request a review of the classroom assignment of a student with a disability by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414; 34 CFR 300.324)

If a student with a disability residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the Superintendent or designee shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414; 34 CFR 300.324)

**Individualized Education Program (continued)**

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the Superintendent or designee may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (Education Code 56380.1, 20 USC 1414; 34 CFR 300.324)

**Audio Recording of IEP Team Meetings**

Parents/guardians and the Superintendent or designee shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the Superintendent or designee gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audio recordings
2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

**Parent/Guardian Participation and Other Rights**

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

1. Indicate the purpose, time, and location of the meeting
2. Indicate who will be in attendance at the meeting

**Individualized Education Program (continued)**3. Inform them of:

- a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341
- b. The provision of Education Code 56341 relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004)

In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414, and 34 CFR 300.320
2. An indication that the student is invited to the IEP team meeting

At each IEP team meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

The parent/guardian shall have the right and opportunity to examine all of the student's school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting the student, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days. (Education Code 56043, 56504)

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414; 34 CFR 300.322)

**Individualized Education Program (continued)**

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian to attend. In such a case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)

1. Detailed records of telephone calls made or attempted and the results of those calls
2. Copies of correspondence sent to the parent/guardian and any responses received
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall give the parents/guardians of a student with a disability a copy of the IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

**Parent/Guardian Consent for Provision of Special Education Services**

Before providing special education and related services to any student pursuant to 20 USC 1414, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian. (Education Code 56346)

If the parent/guardian fails to respond or refuses to consent to the initiation of services, the district shall not use the due process hearing procedures pursuant to 20 USC 1415 to obtain agreement or a ruling that the services may be provided to the student. In such circumstances, the district shall not be required to convene an IEP team or develop an IEP for the student. (Education Code 56346)

**Individualized Education Program (continued)**

If the parent/guardian consents in writing to the receipt of special education and related services for the student but does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415. While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

If at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

**Transfer Students**

To facilitate the transition of a student with a disability who is transferring into the district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including the IEP and the supporting documents related to the provision of special education services. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from another school district within the same Special Education Local Plan Area (SELPA) during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless the student's parent/guardian and the district agree to develop, adopt, and impellent a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

**Individualized Education Program (continued)**

If the student transfers into the district from a school district outside of the district's SELPA during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP in consultation with the student's parent/guardian, for a period not to exceed 30 days. By the end of that period, the district shall either adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the Superintendent or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (Education Code 56325; 34 CFR 300.323)

~~Where appropriate, the IEP shall also include: (Education Code 56345)~~

- ~~1. For students in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation~~
- ~~2. Linguistically appropriate goals, objectives, programs, and services for students whose native language is not English~~
- ~~3. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE~~
- ~~4. Provision for transition into the regular education program if the student is to be transferred from a special class or center or nonpublic, nonsectarian school into a regular education program in a public school for any part of the school day~~

~~The IEP shall include descriptions of activities intended to:~~

- ~~a. Integrate the student into the regular education program, including indications of the nature of each activity and the time spent on the activity each day or week~~
- ~~b. Support the transition of the student from the special education program into the regular education program~~
- ~~5. Specialized services, materials, and equipment for students with low incidence disabilities, consistent with the guidelines pursuant to Education Code 56136~~

**Individualized Education Program (continued)**

**Development, Review, and Revision of the IEP**

~~In developing the IEP, the IEP team shall consider all of the following: (Education Code 56341.1, 56345; 20 USC 1414(d)(3)(A); 34 CFR 300.324)~~

- ~~1. The strengths of the student~~
- ~~2. The concerns of the parents/guardians for enhancing the education of their child~~
- ~~3. The results of the initial assessment or most recent assessment of the student~~
- ~~4. The academic, developmental, and functional needs of the student~~
- ~~5. In the case of a student whose behavior impedes his/her learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior~~
- ~~6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP~~
- ~~7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille~~

~~However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, his/her future needs for instruction in Braille or the use of Braille, and other appropriate reading and writing media.~~

- ~~8. The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs including opportunities for direct instruction in the student's language and communication mode~~

~~The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, as described in Education Code 56345.~~

**Individualized Education Program (continued)**

9. ~~Whether the student requires assistive technology devices and services~~

~~If, in considering the special factors in items #1-9 above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the IEP team shall include a statement to that effect in the student's IEP. (Education Code 56341.1)~~

~~The Superintendent or designee shall ensure that the IEP team: (Education Code 56043, 56341.1, 56380; 20 USC 1414(d)(4); 34 CFR 300.324)~~

1. ~~Reviews the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and the appropriateness of placement~~
2. ~~Revises the IEP, as appropriate, to address:
 
  - a. ~~Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate~~
  - b. ~~The results of any reassessment conducted pursuant to Education Code 56381~~
  - c. ~~Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 305(a)(2) and Education Code 56381(b)~~
  - d. ~~The student's anticipated needs~~
  - e. ~~Other matters~~~~
3. ~~Considers the special factors listed in items #5-9 above when reviewing the IEP of a student with a disability who has additional behavior or communication needs~~

~~The IEP team shall also meet: (Education Code 56343)~~

1. ~~Whenever the student has received an initial formal assessment and, when desired, when the student receives any subsequent formal assessment~~
2. ~~Upon request by the student's parent/guardian or teacher to develop, review, or revise the IEP~~

**Individualized Education Program (continued)**

~~The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)~~

~~If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414(d); 34 CFR 300.324)~~

~~As a member of the IEP team, the regular education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting the determination of: (Education Code 56341; 20 USC 1414(d)(3)(C); 34 CFR 300.324)~~

- ~~1. Appropriate positive behavioral interventions and supports and other strategies for the student~~
- ~~2. Supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320~~

~~To the extent possible, the district shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414(d)(3)(A); 34 CFR 300.324)~~

~~The student shall be allowed to provide confidential input to any representative of his/her IEP team. (Education Code 56341.5)~~

~~When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the district may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the district shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (20 USC 1414(d)(3)(D); 34 CFR 300.324)~~

~~If a student with disabilities residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the district shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)~~

**Individualized Education Program (continued)**

~~When an IEP calls for a residential placement as a result of a review by an expanded IEP team, the IEP shall include a provision for a review, at least every six months, by the full IEP team of all of the following: (Education Code 56043)~~

- ~~1. The case progress~~
- ~~2. The continuing need for out-of-home placement~~
- ~~3. The extend of compliance with the IEP~~
- ~~4. Progress toward alleviating the need for out-of-home care~~

**Timelines for the IEP and for the Provision of Services**

~~At the beginning of each school year, the district shall have an IEP in effect for each student with a disability within district jurisdiction. (Education Code 56344; 34 CFR 300.323)~~

~~The district shall ensure that a meeting to develop an initial IEP is conducted within 30 days of a determination that a student needs special education and related services. The district shall also ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with his/her IEP. (Education Code 56344; 34 CFR 300.323)~~

~~An IEP required as a result of an assessment of the student shall be developed within 60 days (not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days) from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. (Education Code 56344)~~

~~However, 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 for a 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 school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code 56344)~~

~~When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)~~

## **Individualized Education Program (continued)**

~~A regular education or special education teacher may request a review of the classroom assignment of a student with a disability by submitting a written request to the Principal. The Principal or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Principal or designee shall convene an IEP team meeting, which shall be held within 30 days of the Principal or designee's review, not counting days when school is in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.~~

~~The district shall ensure that the student's IEP is accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The district shall also ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)~~

### **Transfer Students**

~~To facilitate the transition of a student with a disability who is transferring into the district, the district shall take reasonable steps to promptly obtain the student's records, including his/her IPE and the supporting documents related to the provision of special education services. (Education Code 56325; 34 CFR 300.323)~~

~~If the student transfers into the district from another school district within the same SELPA during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless his/her parent/guardian and the district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)~~

~~If the student transfers into the district from a school district outside of the district's SELPA during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP. Within 30 days, the district shall, in consultation with the student's parents/guardians, adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)~~

**Individualized Education Program (continued)**

~~If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the district conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (Education Code 56325; 34 CFR 300.323)~~

**Due Process/Mediation**

~~A student shall not be required to participate in all or part of any special education program unless the parent/guardian is first informed in writing of the facts that make participation in the program necessary or desirable and the contents of the IEP, and the parent/guardian consents, in writing, to all or part of the IEP after receiving this notice. If the parent/guardian does not consent to all of the components of the IEP, then those components of the IEP to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. (Education Code 56346)~~

~~If the Superintendent or designee determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide a free and appropriate public education to the student, he/she shall either initiate a due process hearing or a prehearing mediation conference with the state pursuant to Education Code 56500.3. While the due process hearing or prehearing mediation conference is pending, the student shall remain in his/her current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)~~

~~While a due process hearing is pending, the Superintendent or designee may choose to meet informally with the parent/guardian pursuant to Education Code 56502 or may hold a mediation conference pursuant to Education Code 56503. If a due process hearing is held, the hearing decision shall be the final administrative determination and shall be binding upon the parties. (Education Code 56346)~~

**Parent/Guardian Notice**

~~The Superintendent or designee shall send parents/guardians notice of the IEP team meetings early enough to ensure that they will have an opportunity to attend. This notice shall: (34 CFR 300.345)~~

**Individualized Education Program (continued)**

1. ~~Indicate the purpose, time and location of the meeting~~
2. ~~Indicate who will be in attendance at the meeting~~
3. ~~Inform the parents/guardians of the provisions of 34 CFR 300.344(a)(6) and (c), relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student~~
4. ~~For students age 14, or younger if appropriate:~~
  - a. ~~Indicate that a purpose of the meeting will be the development of a statement of the transition service needs of the student pursuant to 34 CFR 300.347(b)(1)~~
  - b. ~~Indicate that the district will invite the student to the IEP meeting~~
5. ~~For students age 16, or younger if appropriate:~~
  - a. ~~Indicate that the purpose of the meeting is the consideration of needed transition services for the student as required by 34 CFR 300.347(b)(2)~~
  - b. ~~Indicate that the district will invite the student to the IEP meeting~~
  - c. ~~Identify any other agency that will be invited to send a representative~~

Policy  
adopted: 02/9/1993  
Revised: 05/27/2003; 03/2011  
Revised: 08/2012

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

## **PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

### **Procedural Safeguards**

~~The District shall follow all procedural safeguards for students and parents/guardians as set forth in law. Parents/guardians shall receive written notice of their rights, including the right to a due process hearing for any dispute related to the identification, assessment or educational placement of a child or the provision of a free, appropriate public education to the child.~~

~~(cf. 5145.6—Notifications Required by Law)~~

~~The Superintendent or designee shall represent the District in any due process hearings conducted with regard to District students and shall provide the Board with the results of these hearings.~~

### **Complaints**

~~Complaints concerning compliance with state or federal law regarding special education shall be addressed in accordance with the District's uniform complaint procedures.~~

~~(cf. 1312.3—Uniform Complaint Procedures)~~

The Governing 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 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 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 shall be filed in accordance with 5 CCR 3200-3205.

*Legal Reference (see next page):*

**Procedural Safeguards and Complaints For Special Education** (continued)

*Legal References:*

EDUCATION CODE

56000 Education for individuals with ~~exceptional-needs~~ disabilities

56001 Provision of the special education programs

56020-56033 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56220 ~~Written agreements~~

56221 ~~Adoption of policies for programs and services~~

56240-56244 ~~Staff Development~~

56300-56381 Identification and referral, assessment, ~~instructional planning, implementation and review~~

56440-56449 ~~Programs for individuals between the ages of three and five years~~

56500-56507 ~~Procedural safeguards, including due process rights~~

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3082 ~~100 Regulations governing special education (in general), especially~~

3021-3028 ~~Identification, referral and assessment~~

3040-3043 ~~Instructional planning and individualized education program~~

3080-3089 ~~Application of section 4600-4671~~ Procedural safeguards

3082 ~~Due process hearing procedures~~

3200-3205 Special education compliance complaints

4600-4671 ~~Uniform complaint procedures~~

UNITED STATES CODE, TITLE 20

1232g ~~Family Educational Rights and Privacy Act of 1974~~

1400-1482 ~~et seq. Individuals with Disabilities Education Act~~

UNITED STATES CODE, TITLE 29

701 ~~et seq. Rehabilitation Act of 1973~~

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

300.500-300.514 20 Procedural safeguards and ~~Due~~ process procedures for parents and ~~children~~ students

Policy  
adopted: 02/09/1993

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

## ***PROPOSED REVISED ADMINISTRATIVE REGULATION***

### **Instructions**

AR 6159.1(a)

### **PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION**

#### **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

**Procedural Safeguards and Complaints for Special Education (continued)**

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
7. A description of any other factors relevant to the district's proposal or refusal

**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 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 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

**Procedural Safeguards and Complaints for Special Education (continued)**

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
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 300.517

This notice shall also include the rights and procedures contained in Education Code 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 56341.1

**Procedural Safeguards and Complaints for Special Education (continued)**

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)

**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)

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)

**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 300.148.

**Procedural Safeguards and Complaints for Special Education (continued)**

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 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

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)

**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)

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

**Procedural Safeguards and Complaints for Special Education (continued)**

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)

**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 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)

**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 3200, 3201)

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).

**Procedural Safeguards and Complaints for Special Education (continued)**

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 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 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)

Regulation  
approved: 02/09/1993

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

**NONPUBLIC NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION**

The Governing Board recognizes its responsibility to provide a free appropriate public education to all district students, including students with disabilities, a free appropriate public education in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet the students' needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

~~In selecting nonpublic, nonsectarian schools or agencies with which the district may contract for the placement of any district student with disabilities, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulation.~~

Prior to entering into a contract to place any student in an NPS/A ~~nonpublic, nonsectarian school or agency~~, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and complies with staff training requirements in accordance with Education Code 56366 and 56366.1 in accordance with Education Code 56366. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any NPS/A ~~nonpublic, nonsectarian school~~ with which the district has a contract to ensure that the school or agency's certification has not expired.

No district student shall be placed in an NPS/A ~~nonpublic, nonsectarian school or agency~~ unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the ~~nonpublic, nonsectarian school or agency~~ placement is appropriate for the student. ~~In accordance with law, any student with disabilities placed in a nonpublic, nonsectarian school or agency shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, the procedural safeguards, due process rights, and periodic review of his/her IEP. (Education Code 56195.8, 56342.1)~~

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A. (Education Code 5632.1)

In accordance with law, any student with disabilities placed in a NPS/A shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, procedural safeguards, due process rights, and periodic review of the student's IEP.

During the period when any student with disabilities is placed in an NPS/A ~~nonpublic, nonsectarian school or agency~~, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in his/her the IEP.

**Nonpublic Nonsectarian School and Agency Services for Special Education (continued)**

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, and 56366.6. (Education Code 56366.2)

~~In accordance with Education Code 56366.2, the Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, 56366.3, and 56366.6.~~

*Legal Reference:*

EDUCATION CODE

56034-56035 *Definitions of nonpublic, nonsectarian school and agency*

56042 *Placement not to be recommended by attorney with conflict of interest*

56101 *Waivers*

56163 *Certification*

56168 *Responsibility for education of student in hospital or health facility school*

56195.8 *Adoption of policies*

56342.1 *Individualized education program; placement*

56360-56369 *Implementation of special education*

56711 *Computation of state aid*

56740-56743 *Apportionments and reports*

56760 *Annual budget plan; service proportions*

56775.5 *Reimbursement of assessment and identification costs*

FAMILY CODE

7911-7912 *Interstate compact on placement of children*

GOVERNMENT CODE

7570-7588 *Interagency responsibilities for providing services to children with disabilities, especially:*

7572.55 *Seriously emotionally disturbed child; out-of-state placement*

WELFARE AND INSTITUTIONS CODE

362.2 *Out-of-home placement for IEP*

727.1 *Out-of-state placement of wards of court*

CODE OF REGULATIONS, TITLE 5

3001 *Definitions*

3060-3070 *Nonpublic, nonsectarian school and agency services*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 *Children with disabilities in private schools*

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

## Nonpublic Nonsectarian School and Agency Services for Special Education (continued)

### *Legal Reference (continued):*

#### *Management Resources*

##### FEDERAL REGISTER

*Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845*

##### WEB SITES

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

*U.S. Department of Education, Office of Special Education and Rehabilitative Services:*

*<http://www.ed.gov/about/offices/list/osers>*

Policy  
adopted: 02/09/1993  
Revised: 09/24/2013

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

**NONPUBLIC NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION****Master Contract**

~~Every master contract with a nonpublic, nonsectarian school or agency shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student.~~

~~Each master contract shall specify the general administrative and financial agreements for providing the special education and designated instruction and services, including student-teacher ratios, as well as transportation if specified in a student's individualized education program (IEP). The administrative provisions of the contract shall include procedures for recordkeeping and documentation, and the maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school. (Education Code 56366)~~

~~The master contract shall include a description of the process to be utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether each student is making appropriate educational progress. (Education Code 56366)~~

~~With mutual agreement of the district and a nonpublic, nonsectarian school or agency, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in his/her individual services agreement. (Education Code 56366)~~

**Placement and Services**

~~The Superintendent or designee shall develop an individual services agreement for each student to be placed in a nonpublic, nonsectarian school or agency based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the nonpublic, nonsectarian school services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)~~

~~The IEP team of a student placed in a nonpublic, nonsectarian school or agency shall annually review the student's IEP. The student's IEP and individual services agreement shall specify the review schedules. (5 CCR 3069)~~

**Nonpublic Nonsectarian School and Agency Services for Special Education (continued)**

Every master contract between the district and a nonpublic, nonsectarian school or agency (NPS/A) shall specify the general administrative and financial agreements for providing special education and designated instruction and services. The master contract shall be for a term not to exceed one year and shall be renegotiated prior to June 30. Provisions of the contract shall include, but not be limited to: (Education Code 56366; 5 CCR 3062)

1. Student-teacher ratios
2. Transportation specified in a student's individualized education program (IEP)  
  
The contract shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by the district for students enrolled in the NPS/A unless provided directly or subcontracted by that NPS/A.
3. Procedures for recordkeeping and documentation
4. The maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student
5. An individual services agreement for each student, which will be negotiated for the length of time for which NPS/A special education and designated instruction and services are specified in the student's IEP
6. A description of the process to be utilized by the district to oversee and evaluate placements in the NPS/A, including a method for evaluating whether each student is making appropriate educational progress
7. Procedures and responsibilities for attendance and unexcused absences
8. General provisions related to modifications and amendments to the contract, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, and indemnification and insurance requirements
9. Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions

The contract may allow for partial or full-time attendance at the NPS/A. (Education Code 56366)

**Nonpublic Nonsectarian School and Agency Services for Special Education (continued)**

With mutual agreement of the district and NPS/A, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in the student's individual services agreement. (Education Code 56366)

The master contract or individual services agreement may be terminated for cause if either party gives 20 days' notice. However, the availability of a public education program initiated during the period of the contract shall not give cause for termination unless the parent/guardian agrees to transfer the student to the program. (Education Code 56366)

**Placement and Services**

For any student to be placed in an NPS/A, the Superintendent or designee shall develop an individual services agreement based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the NPS/A services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

At least once each year, the district shall: (Education Code 56366)

1. Evaluate the educational progress of each student placed in an NPS/A, including a review of state assessment results
2. During the annual meeting held to review the student's IEP pursuant to Education Code 56343, consider whether the student's needs continue to be best met at the NPS/A and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting

Prior to the annual review of a student's IEP, the Superintendent or designee shall notify any high school district to which the student may transfer of the student's enrollment in an NPS/A. (5 CCR 3069)

When a special education student meets the district requirements for completion of the prescribed course of study as designated in the student's IEP, the district shall award the student a diploma of graduation. (5 CCR 3070)

**Nonpublic Nonsectarian School and Agency Services for Special Education (continued)****Out-of-State Placements**

Before contracting with an NPS/A nonpublic, nonsectarian school or agency outside California, the Superintendent or designee shall document the district's efforts to use public schools and/or to find an appropriate program offered by an NPS/A nonpublic nonsectarian school or agency within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the costs of the special education and related services provided costs, and the district's efforts to locate an appropriate public school or NPS/A nonpublic nonsectarian school or agency within California. (Education Code 56365)

If the district decides to place a student with an NPS/A nonpublic nonsectarian school or agency outside the state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)

**On-Site Visits**

The Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the school or agency, if the district does not have any other students currently enrolled at the NPS/A. (Education Code 56366.1)

At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A at which the district has a student attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to: (Education Code 56366.1)

1. A review of services provided to the student through the individual services agreement
2. A review of progress the student is making toward the goals set forth in the student's IEP
3. A review of progress the student is making toward the goals set forth in the student's behavioral intervention plan, if applicable
4. An observation of the student during instruction
5. A walkthrough of the facility

**Nonpublic Nonsectarian School and Agency Services for Special Education (continued)**

The district shall report the findings resulting from the monitoring visit to CDE within 60 calendar days of the on-site visit. (Education Code 56366.1)

Regulation  
approved: 02/11/1997  
Revised: 09/24/2013

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

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**TRANSITIONAL KINDERGARTEN**

The Governing Board desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The TK program shall assist students in developing the academic, social, and emotional skills they needed to succeed in kindergarten and beyond.

The district's TK program shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in the development, implementation, and evaluation of the district's TK program.

**Eligibility**

The district's TK program shall admit children whose fifth birthday is from September 2 through December 2. (Education Code 48000)

Parents/guardians of eligible children shall be notified of the availability of the TK program and of the age, residency, immunization, and any other enrollment requirements. Enrollment in the TK program shall be voluntary.

~~Upon request of a child's parents/guardians, the district may, on a case-by-case basis after the Superintendent or designee determines that it is in the child's best interest, admit into the district's TK program a child whose fifth birthday is on or before September 1 and who is therefore eligible for kindergarten.~~

On a case-by-case basis, a child whose fifth birthday is on or before September 1 may be admitted into the district's TK program upon request of a child's parents/guardians, if the Superintendent or designee determines that it is in the child's best interest.

At any time during the school year, the district may admit into the TK program a child whose fifth birthday is after December 2 of that same school year, provided that the Superintendent or designee recommends that enrollment in a TK program is in the child's best interest and the child's parents/guardians approve. Prior to such enrollment, the child's parents/guardians shall be provided information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance. (Education Code 48000)

**Curriculum and Instruction**

The district's TK program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

**Transitional Kindergarten (continued)**

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education (CDE). It shall be designed to facilitate students' development in essential knowledge and skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

The Board shall establish the length(s) of the school day in the district's TK program, which shall be TK programs may be maintained for different lengths of time either at the same or different school sites, as long as the school day is at least three hours but no more than four hours long. If the district has adopted an extended-day kindergarten, the length of the school day for the TK program may be different than the length of the school day for the kindergarten program either at the same or different school sites. The Superintendent or designee shall annually report to the CDE as to whether the district's TK programs are offered full day, part day, or both. (Education Code 8973, 37202, 46111, 46115, 46117, 48003)

TK students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

TK students may be ~~placed in a classroom commingled~~ commingled in the same classroom with 4-year old students from a California State Preschool Program as long as all of the requirements of each program are met and the classroom does not include students enrolled in TK for a second year or students enrolled in a regular kindergarten. (Education Code 8235, 48000)

**Staffing**

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from the Commission on Teacher Credentialing (CTC) that authorizes such instruction.

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, 2020~~1~~, have at least 24 units in early childhood education and/or child development, comparable experience in a preschool setting, and/or a child development teacher permit issued by the CTC. (Education Code 48000)

The Superintendent or designee may provide professional development as needed to ensure that TK teachers are knowledgeable about the standards and effective instructional methods for teaching young children.

**Transitional Kindergarten (continued)****Continuation to Kindergarten**

Students who complete the TK program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed Kindergarten Continuance Form for kindergarten attendance.

However, whenever children who would otherwise be age-eligible for kindergarten are enrolled in TK, the Superintendent or designee shall obtain a Kindergarten Continuance Form signed by the parent/guardian near the end of the TK year consenting to the child's enrollment in kindergarten the following year.

A student shall not attend more than two years in a combination of TK and kindergarten. (Education Code 46300)

**Assessment**

The Superintendent or designee may develop or identify appropriate formal and/or informal assessments of TK students' development and progress. He/she The Superintendent or designee shall monitor and regularly report to the Board regarding program implementation, and the progress of students in meeting related academic standards, and student preparedness for future education.

*Legal Reference:*EDUCATION CODE*8973 Extended-day kindergarten**37202 School calendar; equivalency of instructional minutes**44258.9 Assignment monitoring by county superintendent of schools**46111 Kindergarten, hours of attendance**46114-46119 Minimum school day, kindergarten**46300 Computation of ADA, inclusion of kindergarten and transitional kindergarten**48000 Age of admission, kindergarten and transitional kindergarten**48002 Evidence of minimum age required to enter kindergarten or first grade**48003 Kindergarten annual report**48200 Compulsory education, starting at age six*

## Policy

adopted: 05/25/2004

Revised: 06/28/2016; 12/12/2017

Revised: 11/13/2018

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

## ***PROPOSED REVISED BOARD BYLAW***

### **Bylaws of the Board**

BB 9320(a)

### **MEETINGS AND NOTICES**

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

A Board meeting exists whenever a majority of Board members gather at the same time and location, including teleconference location, to hear, discuss, deliberate, or take action upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1, 54954.2)

### **Regular Meetings**

The Board shall adopt a yearly calendar specifying the date, time, and place of each regular meeting with closed session usually prior to the regular meeting. Meetings are held in the Board Room at 1717 W. Merced Avenue, West Covina, unless otherwise specified.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's Internet web site. (Government Code 54954.2)

**Meetings and Notices (continued)**

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5)

**Special Meetings**

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and location of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

**Emergency Meetings**

In the case of an *emergency situation* for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An *emergency situation* means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

**Meetings and Notices (continued)**

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time notification is given to the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

**Adjourned/Continued Meetings**

The Board may adjourn/continue any regular or special meeting to a later time and location that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

**Study Sessions, Retreats, Public Forums, and Discussion Meetings**

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

**Meetings and Notices (continued)**

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

**Other Gatherings**

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

**Location of Meetings**

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district

**Meetings and Notices (continued)**

5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on non-adversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a location designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

**Teleconferencing**

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

**Meetings and Notices (continued)**

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

*Legal Reference:*EDUCATION CODE

35140 Time and place of meetings  
 35143 Annual organizational meeting date, and notice  
 35144 Special meeting  
 35145 Public meetings  
 35145.5 Agenda; public participation; regulations  
 35146 Closed sessions; student matters  
 35147 Open meeting laws exceptions

GOVERNMENT CODE

3511.1 Local agency executives  
 11135 Nondiscrimination in programs or activities funded by state  
 54950 - 54963 The Ralph M. Brown Act, especially  
 54953 Meetings to be open and public; attendance  
 54954 Time and place of regular meetings; holidays; emergencies  
 54954.2 Agenda posting requirements, board actions  
 54956 Special meetings; call; notice  
 54956.5 Emergency meetings in emergency situations

Bylaw

**WEST COVINA UNIFIED SCHOOL DISTRICT**

adopted: 09/24/1991

West Covina, California

Revised: 05/24/1994; 09/25/2001; 05/22/2012

Revised: 03/12/2013; 12/15/2020