

# ANNUAL NOTIFICATION OF PARENTS'/STUDENTS' RIGHTS

## School Year 2017-2018



- If you have difficulty understanding these forms, please contact the school for assistance.
- Si tiene dificultad comprendiendo estas formas, haga el favor de comunicarse con la escuela para asistencia.
- Tumawag sa paaralan kung kailangan ninyo nang paliwanag.
- Neu ong hay ba co tro ngai gi ve van thu nay, xin vui long lien lac voi nha truong de duoc huong dan.

Dear Parent/Guardian,

State and federal laws require school districts to notify parents and guardians of minor students of parental rights. These laws require the parent or guardian to sign a document acknowledging that they have been informed of these rights, but does not indicate that consent to participate in any particular program has been either given or withheld.

Some legislation requires additional notification to the parents or guardians during the school term or at least 15 days prior to a specific activity. (A separate letter will be sent to parents or guardians prior to any of these specified activities or classes, and the student will be excused whenever the parents file with the principal of the school a statement in writing requesting that their student not participate.) Other legislation grants certain rights that are spelled out in this form.

The following rights, responsibilities, and protections are provided. (When used in this notification, "parent" includes a parent or legal guardian.)

### ATTENDANCE

- **ALLOWED ABSENCES** – State law defines allowed absences as follows: (Ed. Code 48205)
  - (a) Notwithstanding Section 48200, a student shall be excused from school when the absence is:
    - (1) Due to his or her illness.
    - (2) Due to quarantine under the direction of a county or city health officer.
    - (3) For the purpose of having medical, dental, optometric, or chiropractic services rendered.
    - (4) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
    - (5) For the purpose of jury duty in the manner provided for by law
    - (6) For the purpose of spending time with an immediate family member, who is an active duty member of the uniformed services, as defined, and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support position.
    - (7) Due to the illness or medical appointment during school hours of a student of whom the student is the custodial parent.
    - (8) For justifiable personal reasons including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference, when the student's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
    - (9) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
  - (b) A student absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of any class from which a student is absent shall determine the tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the student missed during the absence.
  - (c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
  - (d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.
  - (e) "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "student." *Amended by SB 1208, Ch. 312, Statutes of 1999.*
- Whenever there is good reason to believe the student is suffering from a recognized contagious or infectious disease, the student will be excluded from school attendance.

Parents or guardians are advised that no student may have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 above when missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

**TRUANCY** - Pursuant to Ed. Code 48263, Penal Code Section 830.1, Welfare and Institutions Code section 601, students that are classified as truant may be subject to a meeting with a school counselor or other school's designees, the pupil may be given a warning by a peace officer, the pupil may be assigned to an afterschool or weekend study program, may be required to attend an attendance review board or truancy mediation program, and/or the pupil may be brought within the jurisdiction of the Juvenile Court that may adjudge the pupil to be a ward of the court.

### CHILD ABUSE

- California State law requires that all suspected child abuse must be reported to law enforcement agencies immediately. Failure to report is punishable by law.
- The parent or guardian of a student has the right to file a complaint against a school district employee or other person that they suspect has engaged in abuse of a child at a school site. To ensure that proper investigation takes place, a verbal or written complaint must be filed with the local child protective agency, school district, or county office of education.

### CURRICULUM

- The California Assessment of Student Performance and Progress ("CAASPP") System was established on June 1, 2014. Commencing with the 2014-2015 school year, the CAASPP System includes Smarter Balanced Summative assessments in English Language Arts and Math in grades three through eight and eleven and

alternate assessments in English Language Arts and Math in grades three through eight and eleven for students with significant cognitive disabilities. The CST for science is required for all students in grades five, eight and ten unless the student's IEP indicates administration of the CMA or CAPA. A parent or guardian may make a written request to excuse his or her child from any or all parts of the assessment.

- Advanced placement examinations are to be available to all students. Students who need financial assistance for these exams are to notify their high school counselors. (Ed. Code 37254(G) (4). Students may enroll in a college level advanced scholastic session course on the recommendation of the school principal and then upon the completion of specified criteria. [Ed. Code 48800]
- The California High School Proficiency Exam (CHSPE) is a voluntary test that assesses proficiency in basic reading, writing, and mathematics skills taught in public schools. Eligible pupils who pass the CHSPE are awarded a Certificate of Proficiency by the State Board of Education. A pupil who receives a Certificate of Proficiency may, with verified approval from the parent or legal guardian, leave high school early. The Certificate of Proficiency, however, is not equivalent to completing all course work required for regular graduation from high school. For more information, including administration dates and registration deadlines, visit the following website: <http://www.chspe.net/>.

## **DISCIPLINE**

- The District has Rules of Student Discipline (PUSD PP-3A/K-5 or PUSD PP-3A/6-12) that are available upon request from each site principal or the Director of Student Services, per Ed. Code 35291.5 and 35291.7.
- Rules pertaining to student discipline, including those that govern suspension or expulsion, shall be communicated to students each year.
- Student violations of Ed. Code 48900 (except h), 48900.2, 48900.3, 48900.4, and 48900.7 will be reported to that student's teachers or to any district that student may transfer to for a period of three years.
- "Any firearms violations" is an event which must be considered in determining whether a school site is at risk of being classified as a persistently dangerous school.
- **ACADEMIC HONESTY** - Pursuant to Board Policy 3.40, students within the Poway Unified School District are expected to demonstrate acts of academic honesty at all times and will not engage in acts of:
  - cheating on tests
  - fabrication/falsification
  - forgery
  - unauthorized collaboration
  - plagiarism
  - theft/alteration of materials or equipment
- Disciplinary actions for violations of the rules of the Academic Honesty Policy may range in severity and will be appropriate to the situation. Disciplinary actions include, but are not limited to:
  - expulsion (K-12)
  - suspension (K-12)
  - dropped from the class (6-12)
  - no credit (6-12)

## **DISCRIMINATION/HARASSMENT/BULLYING**

- It is the intent of Poway Unified School District to promote harmonious human relationships that enable students to gain a true understanding of the rights and duties of people in our heterogeneous society. In order to foster a supportive environment for a diverse student body, the District assists schools in the reduction and/or prevention of hate behavior by providing guidelines contained in Administrative Procedure 5.28.1, which is available at each school site. In addition, any incident of hate-motivated behavior, as defined by California Education Code, will be reported to the State Department of Education.

## **FREE AND REDUCED PRICE MEALS**

Parents and guardians can apply for free or reduced-price meals for their student online at [applyforlunch.com](http://applyforlunch.com). Information is also available at your student's school or District Food and Nutrition Office. (Ed. Code 49512) **HOMELESS YOUTH IN AFTER SCHOOL PROGRAMS – EC 8483.1**

- The DISTRICT currently operates an afterschool program pursuant to the After School Education and Safety Program Act of 2002. DISTRICT provides priority enrollment to students as follows. First priority shall go to pupils who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11434a), at the time that they apply for enrollment or at any time during the school year, and to pupils who are identified by the program as being in foster care. For programs serving middle and junior high school pupils, second priority shall go to pupils who attend daily. Eligible students may receive priority through self-certification or through the DISTRICT liaison for homeless children.

## **HEALTH/PHYSICAL EXAMINATIONS**

- It is the policy of the District to establish procedures to help protect the safety of students and adults. These procedures shall include laws related to tuberculosis testing, and may include laws related to criminal record checks. The policy prohibits sex offenders from volunteering in schools and requires completion of the Volunteer Acknowledgement Notice of Amended Education Code Section 35021.
- A student may be exempt from physical examination whenever the parents file a written statement with the school principal stating that they will not consent to routine physical examination of their student. (Ed. Code 49451)
- All students are required to have a physical examination within 18 months prior to entering first grade. School health technicians can provide information regarding availability of no-cost physicals. If parents do not want their student to receive a physical examination, a signed waiver must be provided to the school. Failure to comply or sign a waiver may result in up to 5 days of exclusion from school.
- Students entering public school for the first time (1 or 2 year kindergarten program or first grade) are required to have a dental check-up by May 31<sup>st</sup> of their first school year. The evaluation must be completed by a licensed dental professional. Oral health evaluations that occurred within the 12 months prior to school entry also meet this requirement.
- During the school year, various mandated health screening services will be provided for your student at various grade levels (vision, hearing, color vision, scoliosis). Referrals by teachers, parents, and adult students are also accepted. Students may be excused from these mandated screenings upon written parental request if it is accompanied by a report from the students' own health care provider.

- If a student is taking medication on a continuous basis, parents have the responsibility to inform the school of the medication, the current dosage, and the supervising physician. Students are permitted to carry and self-administer medication (prescription and non-prescription) if certain requirements are met. (Ed. Code 49423)
- When a student must take medication (prescription or non-prescription) at school, parents must submit a written statement of instruction from the physician and a parental request for assistance in administering the physician's instructions (Form H-26). (Ed. Code 49480)
- The governing board provides the opportunity for parents to enroll in a medical/hospital services program for injuries students may sustain while participating in school programs or activities.
- The parent or guardian of a student with a temporary disability shall notify the school district where the student is receiving care if an individualized instruction program is desired. Students hospitalized with a temporary disability will be considered to be residents of the school district in which the hospital is located.
- Students must be allowed to wear sun protective clothing, including hats, and sunscreen whenever they are outdoors during the school day. (Ed. Code 35183.5)
- The PUSD School Board believes that parents or guardians should be involved in decisions surrounding the medical treatment of their students. Therefore, while the Education Code allows school authorities to excuse students in grades 7-12 for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian, it is the policy of the District that school authorities will NOT do so. (Ed. Code 46010)
- The District recognizes the harmful effects of alcohol, tobacco, and other drugs and forbids the use or possession of such substances by students on school premises or at off-campus school functions. Instruction in drug education and the effects of the use of tobacco, alcohol, narcotics, dangerous drugs, and other dangerous substances is included in courses on health and appropriate areas of study in grades 1-12. The District supports student intervention programs, encourages non-punitive self-referral for any student needing assistance, and provides ongoing activities to support recovery. Contact the school principal for information on available counseling and referral services and information on rehabilitation and re-entry programs.
- Parents and others who voluntarily surrender physical custody of a minor child 72 hours old or younger at a hospital emergency room or other designated location can do so without being subject to prosecution.
- The District shall follow all laws, rules, and regulations regarding immunizations required for students to enroll. If the parent or guardian files with the governing authority 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, indicating 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, that child shall be exempt from the immunization requirements.
- Effective January 1, 2016: The California Legislature eliminated the exemption from specified immunization requirements based upon personal beliefs. A pupil who, prior to January 1, 2016, submitted a letter or affidavit on file with DISTRICT stating beliefs opposed to immunization shall be allowed enrollment to any DISTRICT school until the pupil enrolls in the next grade span. Grade span means (1) from birth to preschool; (2) Kindergarten and grades 1 to 6, inclusive, including transitional kindergarten; and (3) grades 7 to 12 inclusive.
- The District may administer immunizing agents to prevent or control communicable diseases to students with written parental consent. Unless exempted as provided by California State law, students must have current immunizations as required by the Immunization Branch of the California Department of Public Health prior to school attendance.
- As required by State law (EC 49414), all District schools stock epinephrine auto-injectors. The District may administer this stock epinephrine to individuals who may have symptoms of an undiagnosed life-threatening allergy.
- Each school district that offers an athletic program (apart from athletic activity during the regular school day as part of a physical education course) must provide each student athlete's parent and guardian with a "concussion and head injury" information sheet. The sheet shall be signed and returned by the athlete's parent or guardian before the athlete may participate in practice or competition.

## **PLEDGE OF ALLEGIANCE**

- In accordance with Ed. Code (52720 - 52730), the Pledge of Allegiance serves as an appropriate patriotic exercise and is normally recited each day during the school year. Students who do not wish to participate in the flag salute will be excused from participation. In addition, parents may contact the teacher or principal to discuss further options.

## **RELEASE OF DIRECTORY INFORMATION**

### **FAMILY EDUCATIONAL RIGHTS & PRIVACY ACT (FERPA), RELEASE OF PUSD DIRECTORY INFORMATION (see PUSD LSS Signature Verification Form)**

- District directory information may include my student's name, parent's name, address, e-mail address, telephone number, major course of study, participation in officially recognized activities and sports, awards, and school most recently attended. In addition, height and weight of athletes may be made available. Appropriate directory information may be provided to any agency or person except private, profit-making organizations (other than employers, potential employers, or news media). Names and addresses of seniors or terminating students may be given to public or private schools and colleges.
- Federal law requires high school registrars to release directory information on 11<sup>th</sup> grade students to military recruiters. Parents have the right to "opt out" of allowing military access to directory information on their 11<sup>th</sup> grade student by checking the Military – "No" box on the Poway Unified School District Signature Verification Form.
- Upon written request from the parent of a student age 17 or younger, the District will withhold directory information about the student. If the student is 18 or older or enrolled in an institution of postsecondary instruction and makes a written request, the student's request to deny access to directory information will be honored. Requests must be submitted within 30 calendar days of the receipt of this notification.
- If you believe the District is not in compliance with federal regulations regarding privacy, you may file a complaint with the United States Secretary of Education. (Ed. Code 49063)

## **RESIDENCY**

- A pupil may alternatively comply with the residency requirements for school attendance in a school district, if he or she meets any of the following: placed in a foster home or licensed children's institution within the boundaries of the school district pursuant to a commitment of placement under the Welfare and Institutions Code; a pupil for whom interdistrict transfer has been approved; an emancipated pupil who resides within the boundaries of the school district; a pupil who lives in the home of a care giving adult that is located within the boundaries of the school district; or a pupil residing in state hospital located within the boundaries of the school district.

## SCHOOL INFORMATION

- Parents will be advised (no later than one month prior to) of any scheduled minimum days or student-free staff development days, Ed. Code 48980 (c).
- A School Accountability Report Card (SARC) is issued annually by each District school, and the District will make a concerted effort to notify parents of the purpose of the SARC. (Ed. Code 33126 (d)). Parents will be provided a copy on request to the school principal. The status of the school's safety plan is contained in this report (Ed. Code 35294.6)
- Students may choose to refrain from participating in educational programs involving harmful or destructive use of animals and must be substantiated by a note from the student's parent or guardian. (Ed. Code 32255-32255.6)
- During the school year, career counseling may be available to your student. If you wish to participate in the counseling, please contact your student's counselor and request that you be notified of the time, date, and place of activity. Such counseling and course selection opportunities will ensure gender equity. (Ed. Code 221.5(d))
- Each parent will receive information on the level of achievement of the parent's student in each of the state academic assessments required under the law. (20 USCS 6311(h)(6)(B))
- The District shall provide parents with written notification of their right to review a course prospectus which compiles the curriculum and instructional aims.

## SCHOOL FACILITIES

- For the convenience of students, the schools may provide certain storage facilities such as lockers or shelves for the storage of books, educational equipment, and special clothing. However, the District does not maintain constant surveillance of these facilities. *Students use them at their own risk.* Students should not bring expensive clothing, equipment, and other valuables to school unless absolutely necessary
- Asbestos Management Plans for each school are available to parent, teacher, and employee organizations. These plans can be obtained from the facilities department. (40 CFR 763.83)

## SEX EDUCATION INSTRUCTION

- Parents are notified in writing prior to any instruction or class in which human reproductive organs and their function or processes are described, illustrated, or discussed. Materials to be used may be reviewed prior to instruction. (Ed. Code 51937-51938)
- Parents will be notified of AIDS instruction in grades 7-12. Parents may obtain a copy of Ed Code Sections 51930-51939 - regarding AIDS prevention instruction through the principal's office. Parents may request that their student not receive such instruction. (Ed. Codes 51938 and 51939)
- Whenever any part of the instruction in "health," family life, sex education, or venereal disease conflicts with religious training and beliefs or personal moral conviction of the parent or guardian, the student shall be excused from that part of the instruction upon written parental request. (Ed. Code 51939)

## STUDENT EDUCATIONAL PLACEMENT

- The District has a policy of nondiscrimination on the basis of sex, race, color, national origin, lack of English skills, or handicap. This policy applies to all students insofar as participation in programs and activities is concerned, with a few exceptions, such as contact sports. The right to reasonable accommodations is provided to students with disabilities. In accordance with federal law, complaints alleging noncompliance with this policy and requests for complaint procedures should be directed to the school principal.
- State regulations require the District to establish procedures to address allegations of unlawful discrimination and complaints alleging violation of federal or state regulations in programs and activities receiving state funds: adult basic education, SLIP, EIA/LEP, Title 1, Title 6, vocational education, special education, child development, and child nutrition programs. Procedures are outlined on pages 5 and 6.
- All students with disabilities are entitled to a free and appropriate education and effective access to all school programs and facilities. Parents have the right to initiate a referral for assessment to identify students (ages 0-21 years) who may need assessment for special education services, or accommodations or services under Section 504 of the Rehabilitation Act of 1973 or Individuals with Disabilities Education Improvement Act (IDEIA). Contact the school principal for assistance in initiating a referral, which must be in writing. Parents who disagree with the identification, placement, services, or accommodations for students may appeal through an informal or formal hearing process. Procedures are available from your school principal, the 504 Coordinator, or the Special Education Office. (Phone numbers are listed on the last page of this form.)
- It is the policy of the District Special Education Local Plan Area (SELPA) to identify, locate, and evaluate all individuals with disabilities who may be in need of special education and related services consistent with federal and state laws. Any parent who believes that their student has a suspected area of disability should contact the local school site regarding the procedures for the identification, location, and evaluation of students. The SELPA policy is located in the Local Plan and outlines the implementation of the legal requirements of the Individuals with Disabilities Education Act, its regulations, and corresponding state law (Ed. Code 56300).
- The District utilizes a fair, objective and transparent mathematics placement policy that takes multiple objective academic measures of pupil performance into consideration, annually examines aggregate pupil placement data to ensure pupil qualification for progressing through mathematics courses and offers clear and timely recourse for any pupil or parent or guardian who questions the placement. More information about District's mathematics placement policy is available at each school site.
- The District provides limited open enrollment options, including alternative attendance within the District (Ed. Code 58501), interdistrict transfers (Ed. Code 46600), and parental employment in lieu of residence (Ed. Code 48204 (f) and 48980 (g)). Parents are notified of current options at the beginning of the enrollment process each spring.
- The Open Enrollment Act allows a student attending a "low-achieving school" to transfer to another school that with a higher Academic Performance Index (API) (Ed. Code 48350-48361)
- California State law authorizes all school districts to provide alternative schools. In the event any parent, student, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this District, and the principal's office in each attendance unit have copies of the law available for your information. This law particularly authorizes interested persons to request the governing board of the District to establish alternative school programs in each district (Ed. Code 58501).
- Parents of Limited English Proficient students will receive a separate letter of notification within 30 days of the start of school about the student's English language proficiency and placement. (Ed. Code 440, 20 USCS 7012(a)(8)(A))
- The District shall appoint liaisons for homeless children and for foster children who shall ensure the dissemination of public notice of the education rights of students in homeless or foster situations.
- The District shall notify parents and guardians as early in the school year as practicable if their student is at risk for retention and of their right to consult with school personnel, and to appeal a decision to retain or promote their student.

## **STUDENT RECORDS**

- Federal and state laws grant certain rights of privacy and rights of access to students and their parents. Full access to all personally identifiable written records maintained by the District must be granted to:
  - 1) Parents of students age 18 and older if the student is a dependent for tax purposes.
  - 2) Parents of students age 17 and younger.
  - 3) Students age 16 and older, or students who are enrolled in an institution of postsecondary instruction (called "eligible students").
- Parents, or an eligible student, may review individual records by making a request to the principal. The principal will see that explanations and interpretations are provided, if requested. Information that is alleged to be inaccurate or inappropriate may be removed upon request. In addition, parents or eligible students may receive a copy of any information in the records at a reasonable cost per page and in the home language of the student. District policies and procedures relating to: location of, and types of, records; kinds of information retained; persons responsible for records; directory information; access by other persons; review; and challenge of records are available through the principal in each school. When a student moves to a new district, records will be forwarded upon the request of the new school district. At the time of transfer the parent (or eligible student) may review, receive a copy (at a reasonable fee), and/or challenge the records. Parents and eligible students will be notified prior to the destruction of any special education records.

## **STUDENT SUSPENSION/EXPULSION**

A school district may document other means of correction short of suspension and expulsion and place the documentation in the pupil's record. Other means of correction may include: a conference between school personnel, the pupil's parent or guardian and the pupil; referrals to the school counselor or psychologist; study teams, guidance teams, or other intervention-related teams that assess behavior and develop and implement behavior plans; referral for psycho-educational assessment; and the after-school programs that address specific behavioral issues. (Ed. Code 48900.5)

- Attendance of Suspended Child's Parent or Guardian for Portion of School Day (EC 48900.1) The school district may adopt a policy that teachers may require the parent or guardian of a pupil who has been suspended by a teacher to attend a portion of a school day in the classroom of his child. The school district must notify parents of the policy prior to its implementation.

## **SURVEYS**

The District will notify parents or guardians of the need for their written permission before any test, questionnaire, survey or examination containing any questions about their child's personal beliefs or practices (or the pupil's family's beliefs or practices) in sex, family life, morality and religion, may be administered to any pupil in kindergarten, or grades 1-12, inclusive. Notification will include specific or approximate dates of when any survey containing sensitive, personal information is to be administered and provide an opportunity for parents to opt pupils out of participating in the survey. Upon request, parents or guardians will be given the opportunity to inspect any third party survey.

## **TEACHER QUALIFICATIONS/INFORMATION**

As provided by the Elementary and Secondary Education Act of 2001 (Section III b) (6) A) upon parent request, the district will provide in a timely manner information regarding the professional qualifications of the student's classroom teachers, including:

- 1) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- 2) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.
- 3) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
- 4) Whether the child is provided services by paraprofessional and, if so, their qualifications.
- 5) Information on the level of achievement of the parent's child in each of the State academic assessments as required under this part; and
- 6) Timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.

## **SCHOOLBUS AND PASSENGER SAFETY – EC 39831.5**

Bus safety regulations, including a list of school bus stops near each pupil's home, general rules of conduct at school bus loading zones, red light crossing instructions, school bus danger zone and walking to and from school bus stops can be found online at <http://powayusd.com/en-US/Departments/Business-Support/Transportation/Transportation>

## **CYBER SEXUAL BULLYING-EC 234.2**

DISTRICT may suspend or expel students who engage in cyber sexual bullying consistent with the DISTRICT'S disciplinary procedures described above. The California Department of Education has developed information regarding cyber sexual bullying available at <http://www.cde.ca.gov/ss/se/bullyingprev.asp>

## **ILLEGAL RECORDING OF CONFIDENTIAL COMMUNICATION-PC 632**

It is unlawful to intentionally eavesdrop or record the confidential communication between two or more parties without the consent of all parties to the confidential communication. The eavesdropping or recording of a confidential communication includes by means of any electronic amplifying or recording device whether the communication is carried on among the parties in the presence of one another or by means of a telegraph, telephone, or other device, except a radio. Such an act is punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or imprisonment in the county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment

**Poway Unified School District**  
**ANNUAL NOTIFICATION OF COMPLAINT PROCEDURES**  
**School Year 2017-2018**

Certain student rights are protected by federal and state laws and regulations. This notice is provided to inform students and their parents of the procedures to be followed if they believe any of the rights set forth in this document have been violated. If you have questions or need clarification about any of these items, please contact one of the administrators listed on this form.

**UNIFORM COMPLAINT PROCEDURES**

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The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing unlawful discrimination in education programs:

Filing of Complaint

Any individual, public agency, or organization may file a written complaint of noncompliance with the designated Uniform Complaint Procedures Coordinator. (See complaint form PUSD A-77). The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination.

Appropriate Investigation of Complaint

The investigator shall provide an opportunity for the complainant to present information relevant to the complaint within 15 calendar days of receiving the complaint.

Written Decision

Within 40 calendar days of receiving the complaint, the investigator shall send to the complainant a written report of the District's investigation and decision.

Appeal to the Associate Superintendent

If a complainant is dissatisfied with the investigator's decision, he/she may, within five calendar days following the forwarding of the decision, file a written appeal to the associate superintendent or superintendent's designee. Within 15 calendar days of receiving the written appeal, the associate superintendent or the superintendent's designee will send the complainant a written report of the decision.

Appeal to the Board of Education

If the complainant wishes the local board of education to review the decision, the complainant must request an extension of the Title V timelines. He/she

may, within five calendar days following the forwarding of the associate superintendent's decision, request a review by the Board of Education by forwarding the written appeal to the District Superintendent. At its next regular Board meeting, the Board will determine whether to hear the appeal.

The Board may decide not to consider the written decision. If the Board determines to consider the appeal, it will be considered at the next regular Board meeting. Whether or not the Board determines to consider the written decision, the Superintendent shall send the Board's decision to the complainant.

Appeal to the California Department of Education

If a complainant is dissatisfied with the District's decision, he/she may appeal in writing to the California Department of Education within 15 calendar days of receiving the District's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals.

Civil Law Remedies

Civil law remedies may be imposed by a court for violations that include, but are not limited to, prohibited discrimination on the basis of gender, race, color, national origin, lack of English skills or disability. A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complaints may seek assistance from mediation centers, legal assistance agencies or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

**SEXUAL HARASSMENT**

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The Poway Unified School District recognizes that harassment on the basis of sex is a violation of both federal and state employment discrimination laws as well as District Policy and Administrative Procedure. The District is committed to providing all students with a school environment free from sexual harassment and will not tolerate such conduct on the part of any District employee or student.

Any student with a complaint of sexual harassment should implement these complaint procedures as soon as possible. These procedures are designed to effectively manage the investigatory process while protecting the rights of both the complainant and respondent. The detailed nature of the procedure is to ensure the process is clear and understandable. Any person with questions or concerns about the process may, at any time, ask for assistance from the investigator or the Associate Superintendent of Personnel Support Services. **No individual will suffer reprisals for reporting any incidents of sexual harassment or making any complaints.** The District will promptly and thoroughly investigate any complaints of sexual harassment and will take expeditious action to resolve such complaints, in accordance with these procedures.

**Sexual harassment** consists of unwelcome sexual advances, requests for sexual favors, and verbal, visual, or physical conduct of a sexual nature, made by someone from or in the school setting.

Sexual harassment may be considered to occur under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's school progress.
2. Submission to, or rejection of, the conduct by the individual is used as the basis of school decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's school performance, or of creating an intimidating, hostile, or offensive school environment.
4. Submission to, or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through Poway Unified School District.

Forms of sexual harassment include, but are not limited to:

1. Deliberate written or oral comments, gestures, or physical contacts of a sexual nature or demeaning to one's gender which are unwelcome and/or interfere with school productivity.

2. Implicit or explicit sexual behavior by a fellow student or District employee which has the effect of controlling, influencing, or otherwise affecting the school environment.
3. Unwelcome suggestive, vulgar, or obscene letters, notes, posters, calendars, or other visual products, or derogatory comments, slurs, and/or jokes of a sexual nature.

## **SEXUAL HARASSMENT COMPLAINT PROCEDURES**

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Any student who believes he or she has been subjected to sexual harassment should immediately inform any teacher or administrator.

Any teacher or administrator who receives information from a complaint or otherwise that sexual harassment has allegedly occurred should immediately notify the Associate Superintendent of Personnel Support Services. When the complainant expresses a desire not to have the complaint immediately reported, the teacher or administrator should ensure the complainant receives a copy of the District Administrative Procedure and is informed of available assistance.

The Associate Superintendent of Personnel Support Services will designate an investigator to investigate all complaints in accordance with this procedure.

The complainant will be immediately informed of any rights under any relevant complaint procedure, policy, or collective bargaining agreement.

All complaints should be reduced to writing and should be submitted to the investigator within sixty (60) workdays after the alleged harassment has occurred. Complaints which are over sixty (60) days old or which are not reduced to writing will be pursued at the discretion of the Associate Superintendent of Personnel Support Services or the Superintendent. Notwithstanding these requirements, the Associate Superintendent of Personnel Support Services or the superintendent will investigate all formal or informal complaints of sexual harassment to determine whether or not corrective action is necessary.

All written complaints shall be signed and dated by the complainant and shall contain at least the name(s) of the individual(s) involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged sexual harassment. Names, addresses, and phone numbers of witnesses or potential witnesses should also be included.

All complaints will be reviewed and investigated by the appointed investigator. The investigation may include interviews with: 1) the complainant; 2) the respondent; and 3) any other person(s) who reasonably may have relevant knowledge concerning the complaint, such as witnesses and victims of similar conduct.

Where the investigator determines sexual harassment may have occurred, the investigator shall present the respondent with a copy of the complaint and this

Administrative Procedure and provide the respondent with an opportunity to respond to the allegations. Such response must be received within a reasonable amount of time, as determined by the investigator, not to exceed fifteen (15) workdays.

Immediately following review and investigation of the complaint, the investigator will prepare and deliver to the Superintendent a written recommendation to resolve the complaint. The recommendation will include at least a description of the nature and extent of the investigation conducted by the District, action taken by the District in the event immediate action was necessary, and a proposed resolution to the complaint.

A copy of the proposed resolution will be distributed to the complainant and the respondent. Where the parties agree to the proposed resolution, the resolution shall be implemented and the investigation shall be concluded.

If the complainant or respondent is not satisfied with the proposed resolution, he or she may appeal to the Superintendent within ten (10) workdays of receipt of the proposal. The appeal must be in writing, signed, and shall state each and every reason for the appeal and disagreement with the proposed resolution. The Superintendent shall investigate the appeal and, within twenty (20) workdays from its receipt, shall render a written decision and indicate the basis and reasons for the decision.

If the complainant or respondent is not satisfied with the Superintendent's findings, he or she may make a final appeal to the Board of Education within ten (10) workdays of receipt of the Superintendent's decision. The appeal must be in writing, signed, and shall state each and every reason for the appeal and disagreement with the Superintendent's decision. The Board will, in its sole discretion, determine what, if any, further proceedings should occur. The determination of the Board as to procedures and resolution of the allegations will be final.

In the event it is determined there is merit to the complaint, the District will take corrective action, including such discipline up to and including suspension and/or immediate termination of employment, as is appropriate in accordance with applicable law and Board policies and procedures. Severity of the disciplinary action will be based upon the circumstances of the infraction.

## **HATE MOTIVATED BEHAVIOR AND HATE MOTIVATED HARASSMENT AND BULLYING**

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The Governing Board affirms the right of every student to learn in an environment free from harassment and hate-motivated behavior. It is the commitment of the District to provide a safe and harmonious learning environment for our students. Behavior or statements that degrade, intimidate, harass, bully, and/or harm an individual or group on the basis of race, ethnicity, culture, heritage, gender, sexual orientation, physical/mental attributes, or religious beliefs or practices will not be tolerated.

Pursuant to Education Code 200 et seq., schools have an affirmative obligation to combat bias as well as a responsibility to provide equal educational opportunity that supports human dignity and equality. The California Education Code and California Penal Code defines hate-motivated behavior as an act, or attempted act, including an electronic act, motivated by hostility toward a victim's actual or perceived race, ethnicity, national origin, immigrant status, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic, or association with a person or group with one or more of these actual or perceived characteristics. Some hate-motivated behavior may also be a crime as defined in state or federal law. The determination of hate-motivated behavior is assessed from the point of view of a reasonable person of the victim's position and takes into account the totality of circumstances, but not limited to:

1. Nature and seriousness of the incident
2. Frequency of the offensive act.
3. Age of the perpetrator.
4. Physically threatening or humiliating conduct.
5. Context in which the incident occurred.
6. Relationship between the parties.
7. Impact on victim.

Hate motivated harassment and behavior is defined as occurring within three categories:

1. Hate violence as defined by California Statute which includes but is not limited to assault, threatened assault or injury, activities historically associated with threats of hostility such as swastikas, nooses, etc., and literature or written material which reference a group or specific message associated with threat or creating a hostile learning environment.

2. Hate motivated intimidation, harassment, remarks or actions that create a hostile learning environment, absent a physical threat or criminal action. These actions include but are not limited to, name calling, racial slurs (in absence of a physical threat), harassment based upon protected status, posting and circulation of negative stereotypes and repeated insensitive or

inappropriate remarks which continue after corrective or disciplinary action have been implemented by the school.  
 3. Insensitive or Inappropriate remarks and behavior: For incidents involving remarks or absent hostility or malice, appropriate corrective action will be imposed by the school.

**HATE MOTIVATED BEHAVIOR AND HATE MOTIVATED HARRASMENT AND BULLYING COMPLAINT PROCEDURES**

Any student who feels that he/she is a victim of harassment or hate-motivated behavior or bullying shall report it to a teacher, administrator, or other school district adult. If the student believes that the situation has not been remedied, he/she may file a complaint in accordance with district complaint procedures.

designee, or supervisor shall report this to law enforcement. Supervisors and principals are required to report incidents involving suspension or recommended expulsion for hate-motivated behavior to the district office.

Staff who receive notice of hate-motivated behavior, or personally observe such behavior, shall notify the principal or supervisor. The principal, principal's

Students demonstrating harassment or hate-motivated behavior shall be subject to discipline in accordance with Board policy and administrative procedure.

**SECTION 504**

It is hoped that differences surrounding the screening, evaluation, and/or placement process for students with disabilities under Section 504 can be resolved informally with the District. However, if a satisfactory resolution is not

reached, a pamphlet outlining specific complaint procedures can be obtained by contacting the 504 Coordinator at the school site or the District Section 504 Coordinator listed below.

**CIVIL LAW REMEDIES**

Pursuant to California Education code (Article 6, Section 262.3), persons who have filed a complaint with an educational institution are advised the civil law remedies including, but not limited to, injunctions, restraining orders, or other orders that may also be available to them.

complaints relating to these laws and their regulations. The (state) Department of Fair Employment Opportunity Commission (EEOC) enforces compliance with state and federal laws and regulations protecting individuals from employment discrimination and may be contacted for assistance with complaints of employment discrimination.

The U.S. Department of Education, Office for Civil Rights, enforces compliance with Section 504, the ADA, and Title IX, and may be contacted for assistance with

**PROHIBITION OF FEES FOR EDUCATIONAL ACTIVITIES**

As provided by California Education Code 49013, a complaint of noncompliance with the requirements of Education Code 49010 regarding fees and educational activities, may be filed with the principal of a school under the Uniform Complaint Procedures. A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of this article.

QUESTIONS MAY BE DIRECTED TO:

<p><b>DISTRICT EQUAL OPPORTUNITY/TITLE IX</b>          Associate Superintendent, Personnel Support Services          (858) 521-2761</p>	<p><b>AMERICAN DISABILITIES ACT COORDINATOR</b>          Associate Superintendent, Personnel Support Services          (858) 521-2761</p>	<p><b>SPECIAL EDUCATION</b>          Assistant Director          (858) 521-2823</p>
<p><b>SECTION 504 COORDINATOR</b>          Director , Learning Support Services          (858) 521-2843</p>	<p><b>UNIFORM COMPLAINT PROCEDURES</b>          Uniform Complaint Procedures Coordinator          (858) 521-2761 Fax: 858-485-1355</p>	

The Poway Unified School District (PUSD) is an equal opportunity employer/program and is committed to an active Nondiscrimination Program. PUSD prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. For more information, please contact the Title IX/Equity Compliance Officer, Associate Superintendent of Personnel Support Services, Poway Unified School District, 15250 Avenue of Science, San Diego, CA 92128-3406, 858-521-2800, extension 2761.