

Pacific SD

Board Policy

Parental Notifications

BP 5145.6

Students

The Board of Trustees recognizes that notifications are essential to effective communication between the school and the home. The Superintendent/Principal 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.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6020 - Parent Involvement)

The notice required 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 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 Superintendent/Principal or designee shall ensure that notifications which must be sent at the beginning of each academic year include a request that the parent/guardian sign the notice and return it to the school. (Education Code 48981, 48982)~~

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](#))

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the district's printed notifications, the principal or designee shall work with the parent/guardian to establish

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other appropriate means of communication.

(cf. 6174 - Education for English Language Learners)

Legal Reference:

EDUCATION CODE

~~221.5 Prohibited sex discrimination~~

~~231.5 Sexual harassment policy~~

~~262.3 Appeals; information re: availability of civil remedies~~

~~310 Structured English Immersion Program~~

~~17288 Pupils: school buildings~~

~~17612 Notification of pesticide use~~

~~32255 32255.6 Right to refuse harmful or destructive use of animals~~

~~32390 Fingerprint program; contracts; funding; consent of parent/guardian~~

~~35178.4 Notice of accreditation status~~

~~35183 School dress codes; uniforms~~

~~35186 Complaints concerning deficiencies in instructional materials and facilities~~

~~35256 School accountability report card~~

~~35291 Rules~~

~~37616 Consultation~~

~~39831.5 School bus rider rules and information~~

~~44808.5 Permission to leave school grounds~~

~~46010.1 Notice re: excuse to obtain confidential medical services~~

~~46014 Regulations regarding absences for religious purposes~~

~~46600 46611 Interdistrict attendance agreements especially:~~

~~46601 Failure to approve interdistrict attendance~~

~~48000 Minimum age of admission~~

~~48070.5 Promotion or retention of students~~

~~48205 Absence for personal reasons~~

~~48206.3 Pupils with temporary disabilities; individual instruction; definitions~~

~~48207 Pupils with temporary disabilities in hospitals outside of school district~~

~~48208 Students with temporary disabilities in qualifying hospitals~~

~~48216 Immunization~~

~~48260.5 Notice to parent re truancy~~

~~48263 Referral to SARB or probation department~~

~~48432.5 Involuntary transfers of pupils~~

~~48904 Liability of parent/guardian for willful pupil misconduct~~

~~48904.3 Withholding grades, diplomas, or transcripts~~

~~48906 Notification of release of pupil to peace officer~~

~~48911 Notification in case of suspension~~

~~48912 Closed sessions; consideration of suspension~~

~~48915.1 Expelled individuals: enrollment in another district~~

~~48916 Readmission procedures~~

~~48918 Rules governing expulsion procedures~~

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~~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~~
~~49063 Notification of parents of their rights~~
~~49067 Regulations regarding pupil's achievement~~
~~49068 Transfer of permanent enrollment and scholarship record~~
~~49069 Absolute right to access~~
~~49070 Challenging content of records~~
~~49073 Release of directory information~~
~~49076 Access to student records~~
~~49077 Access to information concerning a student in compliance with court order~~
~~49091.14 Prospectus~~
~~49302 Parental consent~~
~~49332 Notifications of retention of object by school personnel; release~~
~~49403 Cooperation in control of communicable disease and immunization~~
~~49423 Administration of prescribed medication for pupil~~
~~49451 Physical examinations: parent's refusal to consent~~
~~49452.5 Screening for scoliosis~~
~~49452.7 Information on type 2 diabetes~~
~~49456 Report to parent~~
~~49472 Medical and hospital services for pupils~~
~~49480 Continuing medication regimen for nonepisodic conditions~~
~~49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970~~
~~51229 Course of study for grades 7-12~~
~~51513 Personal beliefs~~
~~51938 Right of parent/guardian notice HIV/AIDS and sexual health instruction~~
~~52164.1 Census-taking methods; determination of primary language; assessment of language skills~~
~~52164.3 Notice of reassessment of language skills~~
~~52173 Consultation with parents or guardians; notice to parents or guardians; withdrawal of pupil~~
~~52244 Advanced Placement Program~~
~~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 Individualized education program team~~
~~56341.1 Development of individualized education program; right to audio-record meeting~~
~~56341.5 Individualized education program team meetings~~
~~56343.5 IEP meetings~~

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~~56346 Parental notice and consent to special education program~~
~~58501 Alternative schools: notice required prior to establishment~~
~~60641 Standardized Testing and Reporting Program~~
~~60850 High School Exit Examination~~
~~66204 Certification of high school courses as meeting university admission criteria~~
~~HEALTH AND SAFETY CODE~~
~~1596.857 Right to enter child care facility~~
~~120365 Immunizations~~
~~120370 Immunizations~~
~~120375 Immunizations~~
~~120440 Sharing immunization information~~
~~124085 Certificate of receipt; health screening and evaluation services; waiver by parent/guardian~~
~~124100 School districts and private schools; information to parents~~
~~PENAL CODE~~
~~627.5 Hearing request following denial or revocation of registration~~
~~WELFARE AND INSTITUTIONS CODE~~
~~18976.5 Parental notice; right of refusal to participate~~
~~CODE OF REGULATIONS, TITLE 5~~
~~863 Standardized Testing and Reporting Program~~
~~3052 Behavioral intervention~~
~~3831 General standards (Gifted and Talented Program)~~
~~4622 Notice requirements and recipients~~
~~4631 Responsibilities of the local agency~~
~~11303 Reclassification of English language learners~~
~~11309 Parental exception waivers~~
~~11523 Notice of proficiency examinations~~
~~18066 Policies and procedures absences for child care~~
~~UNITED STATES CODE, TITLE 20~~
~~1232g Family Educational and Privacy Rights Act~~
~~1415 Procedural safeguards~~
~~1681-1688 Title IX, discrimination based on sex or blindness~~
~~6311 State plans~~
~~6312 Local education agency plans~~
~~6316 Academic assessment and local education agency school improvement~~
~~6318 Parental involvement~~
~~7908 Armed forces recruiter access to students~~
~~UNITED STATES CODE, TITLE 42~~
~~2000d-2000d-7, Title VI, Civil Rights Act of 1964~~
~~CODE OF FEDERAL REGULATIONS, TITLE 34~~
~~99.7 Student records, annual notification~~
~~99.34 Student records, disclosure to other educational agencies~~
~~104.36 Procedural safeguards~~
~~106.9 Dissemination of policy, nondiscrimination on basis of sex~~
~~300.345 Parent participation~~
~~300.502 Independent educational evaluation~~

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~~300.503 Prior written notice~~

~~300.505 Parental consent~~

~~300.507 Parent notice due process hearing~~

~~300.523 Manifestation determination review~~

~~CODE OF FEDERAL REGULATIONS, TITLE 40~~

~~763.84 Asbestos inspections, response actions and post-response actions~~

~~763.93 Asbestos management plans~~

Legal Reference:

EDUCATION CODE

[221.5](#) Prohibited sex discrimination

[231.5](#) Sexual harassment policy

[262.3](#) Appeals for discrimination complaints; information regarding availability of civil remedies

[310-311](#) Structured English immersion program, parental exception waivers

[313](#) Reclassification of English learners, parental consultation

[440](#) English language proficiency assessment; instruction in English language development

[17288](#) Building standards for university campuses

[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

[35160.5](#) Extracurricular and cocurricular activities

[35178.4](#) Notice of accreditation status

[35183](#) School dress codes; uniforms

[35186](#) Complaints concerning deficiencies in instructional materials and facilities

[35256](#) School Accountability Report Card

[35291](#) Rules for student discipline

[37616](#) Consultation regarding year-round schedule

[39831.5](#) School bus rider rules and information

[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](#) Interdistrict attendance agreements

[48000](#) Minimum age of admission

[48070.5](#) Promotion or retention of students

[48204](#) Residency requirements

[48205](#) Absence for personal reasons

[48206.3](#) Students with temporary disabilities; individual instruction; definitions

[48207-48208](#) Students with temporary disabilities in hospitals

[48213](#) Prior notice of exclusion from attendance

[48216](#) Immunization

[48260.5](#) Notice regarding truancy

[48262](#) Need for parent conference regarding truancy

[48263](#) Referral to school attendance review board or probation department

[48354](#) Option to transfer from school identified under Open Enrollment Act

[48357](#) Status of application for transfer from school identified under Open Enrollment Act

[48432.5](#) Involuntary transfers of 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

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[48916](#) Readmission procedures
[48918](#) Rules governing expulsion procedures
[48980](#) Required notification at beginning of term
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[49063](#) Notification of parental rights
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[49068](#) Transfer of permanent enrollment and scholarship record
[49069](#) Absolute right to access
[49073](#) Release of directory information
[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
[49472](#) Insurance
[49475](#) Student athletes; concussions and head injuries
[49480](#) Continuing medication regimen for nonepisodic conditions
[49510-49520](#) Duffy-Moscone Family Nutrition Education and Services Act of 1970
[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
[52164.1](#) Census-taking methods; determination of primary language; assessment of language skills
[52164.3](#) Reassessment of English learners; notification of results
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[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
[58501](#) Alternative schools; notice required prior to establishment
[60641](#) California Assessment of Student Performance and Progress
[60850](#) High School Exit Examination
[60852.4](#) High School Exit Examination; waiver for student with disabilities
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[1596.857](#) Right to enter child care facility
104855 Availability of topical fluoride treatment
[120365-120375](#) Immunizations
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[627.5](#) Hearing request following denial or revocation of registration

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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

[11309](#) Parental exception waivers

[11511.5](#) English language proficiency assessment; test results

[11523](#) Notice of proficiency examinations

[18066](#) Child care policies regarding excused and unexcused absences

CODE OF REGULATIONS, TITLE 17

[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 plans

[6312](#) Local education agency plans

[6316](#) Academic assessment and local education agency school improvement

[6318](#) Parental involvement

[7012](#) Instruction in English language development

[7908](#) Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42

[1758](#) Child nutrition programs

CODE OF FEDERAL REGULATIONS, TITLE 7

[245.5](#) Eligibility criteria for free and reduced-price meals

[245.6a](#) Verification of eligibility for free and reduced-price meals

CODE OF FEDERAL REGULATIONS, TITLE 34

[99.7](#) Student records, annual notification

[99.34](#) Student records, disclosure to other educational agencies

[99.37](#) Disclosure of directory information

[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

[200.61](#) 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

[300.504](#) Procedural safeguards notice for students with disabilities

[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 PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

revised: XXXXX Davenport, California

Pacific SD

Administrative Regulation

Promotion/Acceleration/Retention

AR 5123
Students

Acceleration from Kindergarten to First Grade

~~A student enrolled in kindergarten may be admitted to the first grade at the discretion of the Superintendent/Principal or designee and with the consent of the parent/guardian, upon determination that the child is ready for first-grade work. (Education Code 48011)~~

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. (Education Code [48010](#), [48011](#))

A student who does not meet the age eligibility requirement may be admitted to first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian upon determination that the student is ready for first-grade work, subject to the following minimum criteria: (Education Code [48011](#); 5 CCR [200](#))

~~Admission shall be subject to the following minimum criteria: (5 CCR 200)~~

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the school district approving the placement in first grade.

Continuation in Kindergarten

~~Students who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent/Principal or designee~~

~~agree that the student shall continue in kindergarten for not more than one additional school year. (Education Code 48011)~~

~~Whenever a student continues in kindergarten for an additional year, the Superintendent/Principal or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300)~~

Whenever the Superintendent or designee and the parents/guardians agree that a student shall continue in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code [46300](#), [48011](#))

Retention at Other Grade Levels

~~The Superintendent/Principal or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels: (Education Code 48070.5)~~

- ~~1. Between grades 2 and 3~~
- ~~2. Between grades 3 and 4~~
- ~~3. Between grades 4 and 5~~
- ~~4. Between the end of the intermediate grades and the beginning of the middle school grades~~

~~Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts and mathematics shall be the basis for identifying students between grades 4 and 5, and between intermediate and middle school grades. (Education Code 48070.5)~~

~~(cf. 6142.91 - Reading/Language Arts Instruction)~~

~~(cf. 6142.92 - Mathematics Instruction)~~

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

~~(cf. 5121 - Grades/Evaluation of Student Achievement)~~

~~(cf. 6162.5 - Student Assessment)~~

If a student is identified as performing below the minimum standard for promotion to the next grade level, based on the indicators specified in Board policy, the

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

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

(cf. 6177 - Summer School)
(cf. 6179 - Supplemental Instruction)

When a student is identified as being at risk of retention, the Superintendent/Principal or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

(cf. 5145.6 - Parental Notifications)

~~The Superintendent/Principal or designee shall also provide a copy of the district's promotion/retention policy and administrative regulation to those parents/guardians who have been notified that their child is at risk of retention.~~

Appeal Process

~~The teacher's decision to promote or retain a student may be appealed consistent with Board policy, administrative regulation and law.~~

~~The burden shall be on the appealing party to show why the teacher's decision should be overruled. (Education Code 48070.5)~~

Whenever a student's parent/guardian appeals the teacher's decision to promote or retain a student, the burden shall be on the parent/guardian to show why the teacher's decision should be overruled. (Education Code [48070.5](#))

To appeal a teacher's decision, the appealing party shall submit a written request to the Superintendent/Principal or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent/Principal or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent/Principal or designee may meet with the ~~appealing party~~ *parent/guardian* and the teacher. If the Superintendent/Principal or designee determines that the ~~appealing party~~ *parent/guardian* has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Superintendent/Principal or designee's determination may be appealed by submitting a written appeal to the Board of Trustees within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the appealing party, the teacher and the Superintendent/Principal/designee to decide the appeal. The decision of the Board shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

If the decision of the Board is unfavorable to the appealing party, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

(cf. 5125 - Student Records)
(cf. 5125.3 - Challenging Student Records)

Regulation PACIFIC SCHOOL DISTRICT
approved: October 15, 2009 Davenport, California
revised: XXXXX Davenport, California

Pacific SD

Administrative Regulation

Refusal To Harm Or Destroy Animals

AR5145.8(a)

AR 5145.8
Students

Any student who has a moral objection to dissecting or otherwise harming or destroying animals shall have the right to refrain from participating in instruction which involves such activities and shall not be discriminated against because of a decision to exercise this right. (Education Code 32255.1)

(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6142.93 - Science Instruction)

The right to refrain from instruction involving harmful or destructive use of animals shall apply to all K-8 courses, except classes and activities conducted as part of agricultural education that provide instruction on the care, management, and evaluation of domestic animals. (Education Code 32255.5, 32255.6)

At the beginning of each academic year, the Superintendent/Principal or designee shall notify parents/guardians, in writing, of students' right to refrain from instruction involving the harmful or destructive use of animals. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

In addition, each teacher of a course that uses live or dead animals or animal parts shall inform students of their right to refrain from the harmful or destructive use of animals. (Education Code 32255.4)

A student who wishes to refrain from such instruction shall notify the teacher and shall provide a note from his/her parent/guardian substantiating the objection. (Education Code 32255.1)

If the teacher believes an adequate alternative project is possible, he/she may work with the student to develop and agree upon an alternative project which would provide the knowledge, information, or experience required by the course of study. Alternative projects include, but are not limited to, the use of video recordings, models, films, books, and computers. The alternative project shall involve time and effort by the student comparable to that required by the original project. (Education Code 32255, 32255.1)

Refusal To Harm Or Destroy Animals

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A teacher's determination of whether the student may pursue an alternative project or be excused from the project shall not be arbitrary or capricious. (Education Code 32255.3)

In order to receive course credit, students who participate in an alternative project shall pass all course examinations. Students may request an alternative test, however, if a regular examination requires the harmful or destructive use of animals. (Education Code 32255.1)

Legal Reference:

EDUCATION CODE

32255-32255.6 Student's right to refrain from harmful or destructive use of animals

48980-48985 Notification of parents/guardians, especially:

48980 Parental notification at beginning of term

51540 Humane treatment of animals

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Science Framework for California Public Schools: Kindergarten Through Grade 12, 2004

Science Content Standards for California Public Schools: Kindergarten Through Grade 12, 1998

WEB SITES

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

Regulation PACIFIC SCHOOL DISTRICT

approved: October 15, 2009 Davenport, California

revised: xxxx Davenport, California

Pacific SD

Administrative Regulation

Preschool/Early Childhood Education

AR 5148.3

Students

When approved by the California Department of Education (CDE) under the California State Preschool Program, the district may operate one or more part-day preschool programs in accordance with law and the terms of its contract with the CDE.

(cf. 5148 - Child Care and Development)

The district's preschool program shall include all required program components, as described in 5 CCR 18272-18281 and AR 5148 - Child Care and Development, for the educational program, the creation of a developmental profile for each child, staff development, parent involvement and education, community involvement, health and social services, nutrition, and program evaluation. (5 CCR 18271-28281)

Minimum Hours/Days of Operation

The district's part-day preschool program shall operate a minimum of three hours per day, excluding time for home-to-school transportation, and for a minimum of 175 days per year unless otherwise specified in the program's contract. (Education Code 8235; 5 CCR 18136)

Staffing

The preschool program shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. If the district cannot recruit a sufficient number of parents/guardians or volunteers to meet the required adult-child ratio, teacher aides shall be hired as necessary. (5 CCR 18135, 18290)

(cf. 1240 - Volunteer Assistance)

(cf. 6020 - Parent Involvement)

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and AR 5148 - Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

(cf. 4112.4 - Health Examinations)

(cf. 4112.6 - Personnel Files)

In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

Wraparound Child Care Services

In accordance with its contract with the CDE, the district may offer full-day services to meet the needs of eligible families through a combination of part-day preschool and wraparound child care services that are offered for the remaining portion of the day or year following completion of the preschool services. Child care and development services offered through this program shall meet the requirements of general child care and development programs pursuant to Education Code 8240-8244. (Education Code 8239)

Wraparound services shall operate a minimum of 246 days per year unless otherwise specified in the contract. Within this period of time, the part-day preschool program shall operate 175-180 days. After the completion of the preschool program, a part-time general child care and development program may operate a full day for the remainder of the year. (Education Code 8239)

Family Literacy Services

When any district preschool program receives funding for family literacy services pursuant to Education Code 8238.4, the Superintendent or designee shall coordinate the provision of: (Education Code 8238)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development
2. Parenting education for parents/guardians of participating children to support their child's development of literacy skills, including, but not limited to, parent education in:
 - a. Providing support for the educational growth and success of their children
 - b. Improving parent-school communications and parental understanding of school structures and expectations
 - c. Becoming active partners with teachers in the education of their children
 - d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve parents/guardians' academic skills

(cf. 6200 - Adult Education)

4. Staff development for teachers in participating classrooms that includes, but is not limited to:

- a. Development of a pedagogical knowledge, including, but not limited to, improved instructional strategies
- b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms
- c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities
- d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

(cf. 4131 - Staff Development)

Eligibility and Enrollment

Children eligible for the district's preschool program include those who will have their third or fourth birthday on or before September 1 of the fiscal year that they are being served. (Education Code 8208, 8235, 8236)

When a child is eligible for both the preschool program and the district's transitional kindergarten program, the family may choose the most appropriate program for the child. In accordance with the enrollment priorities described below, the child may be enrolled in both programs provided that the child is not enrolled in both programs for the same time period on the same day.

(cf. 5111 - Admission)

(cf. 6170.1 - Transitional Kindergarten)

Eligibility for subsidized preschool shall be as follows:

- 1. Children shall be eligible for subsidized preschool services if their family is a current aid recipient, income eligible, or homeless and/or the children are recipients of protective services or have been identified as being or at risk of being abused, neglected, or exploited. (Education Code 8235, 8263, 8263.1; 5 CCR 18131, 18134)
- 2. Children shall be eligible for subsidized wraparound preschool and child care services if their family meets at least one of the criteria specified in item #1 above and needs child care services due to either of the following circumstances: (Education Code 8239, 8263)
 - a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional

shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless.

(cf. 6173 - Education for Homeless Children)

b. The parents/guardians are engaged in vocational training leading directly to a recognized trade, paraprofession, or profession; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated.

Note: The following paragraph may be revised to reflect district practice. Unless state funding is allocated to support the "centralized eligibility list" established in each county pursuant to Education Code 8499.5, such lists will be maintained only if locally funded. In situations where there is no locally funded centralized eligibility list or the district elects not to participate in the local list, the district must establish its own waiting list in accordance with admission priorities pursuant to 5 CCR 18106.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment in a preschool program shall be given to neglected or abused children 3 or 4 years of age who are recipients of child protective services or who, based upon written referral from a legal, medical, or social service agency, are at risk of being neglected, abused, or exploited. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8236; 5 CCR 18131)

(cf. 1020 - Youth Services)

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

(cf. 1700 - Relations Between Private Industry and the Schools)

After all children with first priority are enrolled, the district shall give second priority to eligible children 4 years of age who are not enrolled in a transitional kindergarten program prior to enrolling eligible children 3 years of age. (Education Code 8236)

After enrolling all eligible children who meet the criteria for subsidized services, up to 10 percent of the program's enrollment, calculated throughout the entire contract, may be filled with children who exceed the age limitations and children whose family income is no more than 15 percent above the income eligibility threshold. (Education Code 8235; 5 CCR 18133)

The district may certify eligibility and enrollment up to 120 calendar days prior to the first day of the beginning of the preschool year. After establishing eligibility at the time of initial enrollment, a child shall remain eligible for the remainder of the program year. (Education Code 8237; 5 CCR 18082)

The district's decision to approve or deny a child's enrollment shall be communicated to

the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18095, 18118)

(cf. 5145.6 - Parental Notifications)

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that he/she no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file containing a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 18130, 18133, 18081, 18084)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

Fees and Charges

Fees for participation in the district's preschool program shall be assessed and collected in accordance with the fee schedule established by the Superintendent of Public Instruction. (Education Code 8273, 8273.2; 5 CCR 18078)

(cf. 3260 - Fees and Charges)

However, no fee shall be charged to an income-eligible family whose child is enrolled in a part-day preschool program, a family that is receiving CalWORKs cash aid, or a family that is otherwise exempted pursuant to Education Code 8273.1. (Education Code 8273.1;

5 CCR 18110)

In addition, any family qualifying for subsidized preschool on the basis of having a child who is a recipient of child protective services, or having a certification by a county child welfare agency that services continue to be necessary, may be exempt from these fees for up to 12 months. Any family whose child is receiving subsidized preschool on the basis of being at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months, unless the family becomes eligible based on receipt of child protective services or certification of need by a county child welfare agency. The cumulative period of exemption for these purposes shall not exceed 12 months. (Education Code 8273.1)

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8273.3)

Disenrollment

When necessary due to a reduction in state reimbursements, families shall be disenrolled in the following order: (Education Code 8236, 8263.3)

1. Children 3 years of age whose families have the highest income in relation to family size shall be disenrolled first, followed by children 4 years of age whose families have the highest income in relation to family size.

At each age level, if two or more families have the same income ranking, the child with disabilities shall be disenrolled last. If there are no families that have a child with disabilities, the child who has received services the longest shall be disenrolled first.

2. Families of children 3 or 4 years of age who are receiving child protective services or who have been documented to be at risk of being neglected, abused, or exploited, regardless of income, shall be disenrolled last.

Parent Hearing

If a parent/guardian disagrees with any district action to deny his/her child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, he/she may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5

CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, he/she may, within 14 calendar days, appeal the decision to the CDE. (5 CCR 18120-18122)

Regulation	PACIFIC SCHOOL DISTRICT	
approved:	October 15, 2009	Davenport, California
revised:	xxxx	Davenport, California

Pacific SD

Board Policy

Tobacco-Free Schools

BP 3513.3

Business and Noninstructional Operations

The Board of Trustees recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 5131.62 - Tobacco)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

~~This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.~~

These prohibitions apply to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. [1330](#) - Use of School Facilities)

(cf. [1330.1](#) - Joint Use Agreements)

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code [48901](#))

Tobacco products include: (Business and Professions Code 22950.5; Education Code [48901](#))

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff

2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah

3. Any component, part, or accessory of a tobacco product, whether or not sold separately

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. *In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited.* (Health and Safety Code [104495](#))

Legal Reference:

EDUCATION CODE

[48900](#) Grounds for suspension/expulsion

[48901](#) Prohibition against tobacco use by students

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

HEALTH AND SAFETY CODE

[39002](#) Control of air pollution from nonvehicular sources

[104350](#)-[104495](#) Tobacco use prevention, especially:

[104495](#) Prohibition of smoking and tobacco waste on playgrounds

104559 Tobacco use prohibition

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

[3300](#) Employer, definition

[6304](#) Safe and healthful workplace

[6404.5](#) Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

[6083](#) Nonsmoking policy for children's services

[7111](#)-7122 Student Support and Academic Enrichment Grants

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

PUBLIC EMPLOYMENT AND RELATIONS BOARD RULINGS

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB

Order #750 (13 PERC 20147)

Management Resources:

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention: <http://www.cde.ca.gov/ls/he/at>

California Department of Education, Tobacco-Free School District

Certification: <http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

U.S. Environmental Protection Agency: <http://www.epa.gov>

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

revised: XXXX Davenport, California

Pacific SD

Board Policy

Disruptions

BP 3515.2

Business and Noninstructional Operations

~~In order to help maintain an educational environment that provides for student safety, the Board of Trustees is committed to keeping the school free from disruptions and to keeping unauthorized persons from entering school grounds. The Superintendent/Principal or designee shall provide for the prompt removal of any individual from school grounds who disrupts or threatens to disrupt normal school operations, threatens the health and safety of students or staff, or threatens to cause property damage in accordance with law, Board policy, or administrative regulation.~~

The Board of Trustees is committed to providing a safe and orderly environment for students, staff, and others on district property or while engaged in school activities.

The Superintendent or designee shall act to remove any individual who, by his/her presence or action, disrupts or threatens to disrupt normal operations at a school campus or any other district facility, threatens the health or safety of anyone on district property, or causes or threatens to cause damage to district property or to any property on school grounds.

(cf. 1250 - Visitors/Outsiders)
(cf. 3515 - Campus Security)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4158/4258/4358 - Employee Security)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5131.4 - Student Disturbances)

The Superintendent/Principal or designee shall establish a plan describing actions to be taken, including staff responsibilities, when an individual is causing a disruption. ~~In developing such a plan, the Superintendent/Principal or designee shall consult with law enforcement to create guidelines for law enforcement support and intervention in the event of a disruption.~~

The plan shall address, as appropriate, visitor registration procedures; campus security measures; evacuation procedures; lock-down procedures; possible responses to an active shooter situation; communications within the school and with parents/guardians, law enforcement, and the media in the event of an emergency; and crisis counseling or other assistance for students and staff after a disruption. In developing such a plan, the Superintendent or designee shall consult with law enforcement to create guidelines for law enforcement support and intervention when necessary.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.3 - District Police/Security Department)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

~~School staff shall be trained to recognize when an individual has committed acts that constitute a disruption in violation of Board policy or administrative regulation. Staff who believe that a disruption may occur shall immediately contact the principal.~~

The Superintendent or designee shall provide training to school staff on how to identify and respond to actions or situations that may constitute a disruption.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)

Any employee who believes that a disruption may occur shall immediately contact the principal. The principal or designee shall notify law enforcement in accordance with Education Code [48902](#) and [20 USC 7151](#) and in other situations, as appropriate.

Gun Free School Zone

Possession of unauthorized firearms, weapons, or other dangerous instruments is prohibited within 1,000 feet of school grounds without the written permission of school authorities, *with specified exceptions (e.g. law enforcement)*. (Penal Code 626.9, 626.10)

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Legal Reference:

EDUCATION CODE

32210 Willful disturbance of public school or meeting, misdemeanor
32211 Threatened disruption or interference with classes; misdemeanor
35160 Authority of governing boards
44810 Willful interference with classroom conduct
44811 Disruption of classwork or extracurricular activities
51512 Prohibited use of electronic listening or recording device

PENAL CODE

243.5 Assault or battery on school property
415.5 Disturbance of peace of school
626-626.11 Schools, crimes, especially:
626.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions
626.8 Disruptive presence at schools
626.81 Misdemeanor for registered sex offender to come onto school grounds

626.9 Gun Free School Zone Act

627-627.10 Access to school premises

653b Loitering about schools or public places

COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652

In Re Joseph F., (2000) 85 Cal.App.4th 975

In Re Jimi A., (1989) 209 Cal. App.3d 482

In Re Oscar R., (1984) 161 Cal. App 3d 770

ATTORNEY GENERAL OPINIONS

79 Ops.Cal.Atty.Gen. 58 (1996)

Management Resources:

CSBA PUBLICATIONS

911! A Manual for Schools and the Media During a Campus Crisis, 2001

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities,
May 2003

WEB SITES

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

California Department of Education, Safe Schools Office:

<http://www.cde.ca.gov/ls/ss>

U.S. Department of Education, Emergency Planning:

<http://www.ed.gov/admins/lead/safety/emergencyplan>

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

revised: xxxx Davenport, California

Pacific SD

Board Policy

District Residency

BP 5111.1

Students

The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

(cf. 5111 - Admission)

(cf. 5125 - Student Records)

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into a student's citizenship or immigration status.

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. (Education Code 48204.1, 48204.2)

The Superintendent or designee may assign a trained district employee to conduct the

investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. (Education Code 48204.2)

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

Appeal of Enrollment Denial

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal of the Superintendent's determination that district residency requirements were not met, the Board shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision at its next regularly scheduled meeting following the parent/guardian's request for the appeal. The Board's decision shall be final.

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

35160.5 Intradistrict open enrollment

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law, especially:

48204 Residency requirements

48204.1-48204.3 Evidence of residency

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

48350-48361 Open Enrollment Act transfers

48852.7 Education of homeless students; immediate enrollment

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Retention of student records

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47

Management Resources:

CSBA PUBLICATIONS

Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014

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

Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, 2012

WEB SITES

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

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

California Secretary of State, Safe at Home Program: <http://www.sos.ca.gov/safeathome>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

Policy PACIFIC SCHOOL DISTRICT

approved: October 15, 2009 Davenport, California

revised: XXXX, 2017 Davenport, California

Pacific SD

Board Policy

Absences And Excuses

BP 5113

Students

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

(cf. [5112.1](#) - Exemptions from Attendance)

(cf. [5112.2](#) - Exclusions from Attendance)

(cf. [5113.1](#) - Chronic Absence and Truancy)

~~(cf. 5112.1 - Exemptions from Attendance)~~

~~(cf. 5112.2 - Exclusions from Attendance)~~

~~(cf. 5113.1 - Truancy)~~

Excused Absences

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, Board policy and administration regulations. (Education Code 46010, 48205, 48216)

Inasmuch as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during nonschool hours.

At the beginning of each academic year, notifications shall be sent to the parents/guardians of all students informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)

(cf. 5145.6 - Parental Notifications)

Students shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulations.

PROPOSED POLICY UPDATE

(Education Code 46014)

If a student's absence is excused under Education Code [48205](#), he/she shall be allowed to complete any missed assignment or test that can be reasonably given, as determined by the teacher of that class. The student shall be given full credit for the assignment or test if he/she satisfactorily completes the assignment or test within a reasonable period of time. (Education Code [48205](#))

A student's grades may be affected by excessive unexcused absences in accordance with Board policy.

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

(cf. 6154 - Homework/Makeup Work)

Legal Reference:

EDUCATION CODE

[1740](#) Employment of personnel to supervise attendance (county superintendent)

[2550-2558.6](#) Computation of revenue limits

[37201](#) School month

[37223](#) Weekend classes

[41601](#) Reports of average daily attendance

[42238-42250.1](#) Apportionments

[46000](#) Records (attendance)

[46010-46014](#) Absences

[46100-46119](#) Attendance in kindergarten and elementary schools

[46140-46147](#) Attendance in junior high and high schools

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

[48210-48216](#) Exclusions from attendance

[48240-48246](#) Supervisors of attendance

[48260-48273](#) Truants

[48292](#) Filing complaint against parent

[48320-48324](#) School attendance review boards

[48340-48341](#) Improvement of student attendance

[49067](#) Unexcused absences as cause of failing grade

[49701](#) Provisions of the interstate compact on educational opportunities for military children

ELECTIONS CODE

[12302](#) Student participation on precinct boards

FAMILY CODE

[6920-6929](#) Consent by minor

VEHICLE CODE

[13202.7](#) Driving privileges; minors; suspension or delay for habitual truancy

WELFARE AND INSTITUTIONS CODE

[601-601.4](#) Habitually truant minors

[11253.5](#) Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

[306](#) Explanation of absence

[420-421](#) Record of verification of absence due to illness and other causes

ATTORNEY GENERAL OPINIONS

87 Ops. Cal. Atty. Gen. 168 (2004)

66 Ops. Cal. Atty. Gen. 244 (1983)

PROPOSED POLICY UPDATE

COURT DECISIONS

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

Management Resources:

CSBA PUBLICATIONS

Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010

WEB SITES

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

Legal Reference:

EDUCATION CODE

~~1740 Employment of personnel to supervise attendance (county Superintendent)~~

~~2550-2558.6 Computation of revenue limits~~

~~37201 School month~~

~~37223 Weekend classes~~

~~41601 Reports of average daily attendance~~

~~42238-42250.1 Apportionments~~

~~46000 Records (attendance)~~

~~46010-46014 Absences~~

~~46100-46119 Attendance in kindergarten and elementary schools~~

~~46140-46147 Attendance in junior high and high schools~~

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

~~48210-48216 Exclusions from attendance~~

~~48240-48246 Supervisors of attendance~~

~~48260-48273 Truants~~

~~48292 Filing complaint against parent~~

~~48320-48324 School attendance review boards~~

~~48340-48341 Improvement of student attendance~~

~~49067 Unexcused absences as cause of failing grade~~

ELECTIONS CODE

~~12302 Student participation on precinct boards~~

FAMILY CODE

~~6920-6929 Consent by minor~~

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

~~601-601.4 Habitually truant minors~~

~~11253.5 Compulsory school attendance~~

CODE OF REGULATIONS, TITLE 5

~~306 Explanation of absence~~

~~420-421 Record of verification of absence due to illness and other causes~~

ATTORNEY GENERAL OPINIONS

~~66 Ops. Cal. Atty. Gen. 245, 249 (1983)~~

COURT DECISIONS

~~American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307~~

Management Resources:

CDE MANAGEMENT ADVISORIES

~~0114.98 School Attendance and CalWORKS, Management Bulletin 98-01~~

PROPOSED POLICY UPDATE

~~CSBA ADVISORIES~~

~~0520.97 Welfare Reform and Requirements for School Attendance~~

~~WEB SITES~~

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

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

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Pacific SD

Board Policy

Chronic Absence And Truancy

BP 5113.1

Students

The Board of Trustees believes that excessive absenteeism, whether caused by excused or unexcused absences, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence. He/she shall provide the Board with data on school attendance, chronic absence, and truancy rates for all district students, and for each numerically significant student subgroup as defined in Education Code [52052](#). Such data shall be disaggregated and used in the development of annual goals and specific actions for student attendance and engagement and for inclusion in the district's local control and accountability plan and other applicable school and district plans.

(cf. [0400](#) - Comprehensive Plans)

(cf. [0420](#) - School Plans/Site Councils)

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [0460](#) - Local Control and Accountability Plan)

The Superintendent or designee shall develop strategies that focus on prevention of attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance. The Superintendent or designee also shall develop strategies that enable early outreach to students as soon as they show signs of poor attendance.

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. [5126](#) - Awards for Achievement)

(cf. [5131](#) - Conduct)

(cf. [5131.2](#) - Bullying)

(cf. [5137](#) - Positive School Climate)

(cf. [5141.6](#) - School Health Services)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

The Superintendent or designee shall work with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy. He/she also may collaborate with child welfare services, law

PROPOSED UPDATED POLICY

enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to ensure that alternative educational programs and nutrition, health care, and other support services are available for students and families and to intervene as necessary when students have serious attendance problems.

(cf. [1020](#) - Youth Services)
(cf. [5030](#) - Student Wellness)
(cf. [5146](#) - Married/Pregnant/Parenting Students)
(cf. [5147](#) - Dropout Prevention)
(cf. [6158](#) - Independent Study)
(cf. [6164.2](#) - Guidance/Counseling Services)
(cf. [6164.5](#) - Student Success Teams)
(cf. [6173](#) - Education for Homeless Children)
(cf. [6173.1](#) - Education for Foster Youth)
(cf. [6173.2](#) - Education of Children of Military Families)
(cf. [6175](#) - Migrant Education Program)
(cf. [6179](#) - Supplemental Instruction)
(cf. [6181](#) - Alternative Schools/Programs of Choice)
(cf. [6183](#) - Home and Hospital Instruction)
(cf. [6184](#) - Continuation Education)
(cf. [6185](#) - Community Day School)

Students who are identified as truants shall be subject to the interventions specified in law and administrative regulation.

A student's truancy, tardiness, or other absence from school shall not be the basis for his/her out-of-school suspension or expulsion. Alternative disciplinary strategies and positive reinforcement for attendance shall be used whenever possible.

(cf. [5144](#) - Discipline)
(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

~~To improve student attendance, the Superintendent/Principal or designee shall implement positive steps to identify the reasons for a student's unexcused absences and to help resolve the problems caused by truancy. Such strategies shall focus on early intervention and may include, but not be limited to, communication with parents/guardians and the use of student study teams.~~

~~(cf. 5113—Absences and Excuses)
(cf. 5147—Dropout Prevention)
(cf. 5149—At Risk Students)
(cf. 6164.5—Student Success Teams)
(cf. 6176—Weekend/Saturday Classes)~~

~~In addition, the Superintendent/Principal or designee shall cooperate with other agencies within the community to meet the needs of students who have serious school attendance or behavior problems and to maintain a continuing inventory of community resources, including alternative programs.~~

~~(cf. 1020—Youth Services)~~

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~~(cf. 1400—Relations Between Other Governmental Agencies and the Schools)~~

School Attendance Review Board

In accordance with law and administrative regulation, habitual truants may be referred to a school attendance review board (SARB).

The Board may submit a nomination to the County Superintendent of Schools for a person who will serve on the county SARB as a representative of school districts.
(Education Code [48321](#))

~~Habitually truant students may be referred to a school attendance review board, a truancy mediation program operated by the county's district attorney or probation officer, and/or juvenile court in accordance with law.~~

~~For purposes of California's welfare system (CalWORKS), a student shall be determined to be regularly attending school unless he/she has been referred to the county district attorney or probation office pursuant to Education Code 48263.~~

Legal Reference:

EDUCATION CODE

[1740](#) *Employment of personnel to supervise attendance (county superintendent)*

[37223](#) *Weekend classes*

[41601](#) *Reports of average daily attendance*

[46000](#) *Records (attendance)*

[46010-46014](#) *Absences*

[46110-46119](#) *Attendance in kindergarten and elementary schools*

[46140-46147](#) *Attendance in junior high and high schools*

[48200-48208](#) *Children ages 6-18 (compulsory full-time attendance)*

[48225.5](#) *Work permits, entertainment and allied industries*

[48240-48246](#) *Supervisors of attendance*

[48260-48273](#) *Truants*

[48290-482967](#) *Failure to comply; complaints against parents*

[48320-48325](#) *School attendance review boards*

[48340-48341](#) *Improvement of student attendance*

[48400-48403](#) *Compulsory continuation education*

[48900](#) *Suspension and expulsion*

[49067](#) *Unexcused absences as cause of failing grade*

[52052](#) *Academic Performance Index; numerically significant student subgroups*

[60901](#) *Chronic absence*

GOVERNMENT CODE

[54950-54963](#) *The Ralph M. Brown Act*

PENAL CODE

[270.1](#) *Chronic truancy; parent/guardian misdemeanor*

[272](#) *Parent/guardian duty to supervise and control minor child; criminal liability for truancy*

[830.1](#) *Peace officers*

VEHICLE CODE

[13202.7](#) *Driving privileges; minors; suspension or delay for habitual truancy*

WELFARE AND INSTITUTIONS CODE

[256-258](#) *Juvenile hearing officer*

[601-601.4](#) *Habitually truant minors*

[11253.5](#) *Compulsory school attendance*

PROPOSED UPDATED POLICY

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

15497.5 Local control and accountability plan template

COURT DECISIONS

L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976

Management Resources:

CSBA PUBLICATIONS

Attendance Awareness Month, Fact Sheet, September 2014

ATTENDANCE WORKS PUBLICATIONS

Count Us In! Working Together to Show that Every School Day Matters, 2014

The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early

Outreach for Positive Linkages and Engagement, 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Attendance Review Board Handbook, 2015

School Attendance Improvement Handbook, 2000

WEB SITES

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

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

California Healthy Kids Survey: <http://chks.wested.org>

California School Climate, Health, and Learning Survey System: <http://www.cal-schls.wested.org>

Legal Reference:

EDUCATION CODE

~~1740 Employment of personnel to supervise attendance (county Superintendent)~~

~~37223 Weekend classes~~

~~41601 Reports of average daily attendance~~

~~46000 Records (attendance)~~

~~46010-46014 Absences~~

~~46110-46119 Attendance in kindergarten and elementary schools~~

~~46140-46147 Attendance in junior high and high schools~~

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

~~48240-48246 Supervisors of attendance~~

~~48260-48273 Truants~~

~~48290-48296 Failure to comply; complaints against parents~~

~~48320-48324 School attendance review boards~~

~~48340-48341 Improvement of student attendance~~

~~49067 Unexcused absences as cause of failing grade~~

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

~~601-601.4 Habitually truant minors~~

~~11253.5 Compulsory school attendance~~

CODE OF REGULATIONS, TITLE 5

~~306 Explanation of absence~~

~~420-421 Record of verification of absence due to illness and other causes~~

ATTORNEY GENERAL OPINIONS

~~66 Ops.Cal.Atty.Gen. 245, 249 (1983)~~

Management Resources:

CDE MANAGEMENT ADVISORIES

~~0114.98 School Attendance and CalWORKS, Management Bulletin 98-01~~

CDE PUBLICATIONS

PROPOSED UPDATED POLICY

~~School Attendance Review Board Handbook, 1995~~

~~CSBA ADVISORIES~~

~~0520.97 Welfare Reform and Requirements for School Attendance~~

~~WEB SITES~~

~~CDE: <http://www.cde.ca.gov>~~

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

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

revised: XXXXX Davenport, California

Pacific SD

Board Policy

Promotion/Acceleration/Retention

BP 5123
Students

~~Cautionary Notice 2010-13: AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under that section. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.~~

The Board of Trustees expects students to progress through each grade level within one school year. To accomplish this, instruction should accommodate the variety of ways that students learn and include strategies for addressing academic deficiencies when needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)
(cf. [6170.1](#) - Transitional Kindergarten)

When high academic achievement is evident, the Superintendent/Principal or designee may recommend a student for acceleration into a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

~~As early as possible in the school year, the Superintendent/Principal or designee shall identify students who should be retained and who are at risk of being retained in accordance with law, Board policy, administrative regulation, and the following criteria.~~

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code [48070.5](#))

- 1. Between grades 2 and 3*
- 2. Between grades 3 and 4*

3. *Between grades 4 and 5*

4. *Between the end of the intermediate grades and the beginning of the middle school grades*

Students shall be identified on the basis of grades. The following other indicators of academic achievement shall also be used:

* State's Standardized Testing

* Student Portfolios

* District Assessments

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

~~(cf. 5149 - At Risk Students)~~

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code [48070.5](#))

(cf. [6142.91](#) - Reading/Language Arts Instruction)

(cf. [6142.92](#) - Mathematics Instruction)

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code [48070.5](#))

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

~~When any student in grades 2-6 is retained or recommended for retention, the Superintendent/Principal or designee shall offer programs of direct, systematic, and intensive supplemental instruction in accordance with Education Code 37252.2 and Board policy.~~

~~(cf. 6179 - Supplemental Instruction)~~

When a student in grades 2-9 is retained or recommended for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. The district also may offer supplemental instruction to a student in grades 2-6 who is identified as being at risk for retention. (Education Code [37252.2](#), [37252.8](#), [48070.5](#))

(cf. [6177](#) - Summer Learning Programs)

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

Legal Reference:

~~EDUCATION CODE~~

~~37252-37254.1 Supplemental instruction~~

~~41505-41508 Pupil Retention Block Grant~~

~~46300 Method of computing ADA~~

~~48011 Promotion/retention following one year of kindergarten~~

~~48070-48070.5 Promotion and retention~~

~~48431.6 Required systematic review of students and grading~~

~~56345 Elements of individualized education plan~~

~~60641-60648 Standardized Testing and Reporting Program~~

~~60850-60859 Exit examination~~

~~CODE OF REGULATIONS, TITLE 5~~

~~200-202 Admission and exclusion of students~~

Management Resources:

~~CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES~~

~~0900.90 Changes in Law Concerning Eligibility for Admission to Kindergarten-~~

~~90-10~~

~~CDE PUBLICATIONS~~

~~Performance Level Tables for the California Standards Tests and the California Alternative Performance Assessment~~

~~Parental Agreement Form: Agreement for Pupil to Continue in Kindergarten~~

~~LEGISLATIVE COUNSEL'S OPINION~~

~~Promotion and Retention #21610~~

~~WEB SITES~~

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

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

Legal Reference:

EDUCATION CODE

[37252-37254.1](#) *Supplemental instruction*

[41505-41508](#) *Pupil Retention Block Grant*

[46300](#) *Method of computing average daily attendance*

[48010](#) *Admittance to first grade*

[48011](#) *Promotion/retention following one year of kindergarten*

[48070-48070.5](#) *Promotion and retention*

[56345](#) *Elements of individualized education plan*

[60640-60649](#) *California Assessment of Student Performance and Progress*

Proposed Updated Policy

[60850-60859](#) *Exit examination*

CODE OF REGULATIONS, TITLE 5

[200-202](#) *Admission and exclusion of students*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs Promotion, Retention, and Grading (students with disabilities)

FAQs Pupil Promotion and Retention

Kindergarten Continuance Form

WEB SITES

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

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

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

revised: XXXX Davenport, California

Pacific SD

Board Policy

Conduct

BP 5131

Students

The Board of Trustees believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, and while on district transportation.

(cf. 5112.5 - Open/Closed Campus)

(cf. 5131.1 - Bus Conduct)

(cf. 6145.2 - Athletic Competition)

Conduct is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful toward their teachers, other staff, students, and volunteers.

Students and parents/guardians shall be notified of school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5142 - Safety)

2. *Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption*

cf. [5131.2](#) - Bullying)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [5145.7](#) - Sexual Harassment)

(cf. [5145.9](#) - Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

- ~~3. Harassment of students or staff, such as bullying, including cyberbullying,~~

PROPOSED UPDATED BOARD POLICY

~~intimidation, hazing or initiation activity, ridicule, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause bodily harm or emotional suffering, in accordance with the section entitled "Bullying/Cyberbullying" below~~

~~"Cyberbullying" includes the transmission of communications, posting of harassing messages, direct threats, social cruelty, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation or friendships.~~

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

4. *Will defiance of staff's authority*

5. *Damage to or theft of property belonging to students, staff, or the district*
The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

6. *Obscene acts or use of profane, vulgar or abusive language*

~~6. Use of profane, vulgar, or abusive language~~

(cf. 5145.2 - Freedom of Speech/Expression)

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs ~~in violation of school rules~~

8. Possession or use of a laser pointer, unless used for a valid instructional or other school-related purpose, ~~including employment~~

Prior to bringing a laser pointer on school premises for a valid instructional or school related purpose, a student shall obtain permission from the principal or designee. ~~students shall first obtain permission from the Superintendent/Principal or designee. The Superintendent/Principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.~~

9. *Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time*

Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee,

PROPOSED UPDATED BOARD POLICY

and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.

*No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health.
(Education Code [48901.5](#))*

10. Plagiarism or dishonesty in school work or on tests

(cf. 5131.9 - Academic Honesty)
(cf. 6162.54 - Test Integrity/Test Preparation)
(cf. 6162.6 - Use of Copyrighted Materials)

11. Inappropriate attire

(cf. 5132 - Dress and Grooming)

12. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Truancy)

13. Failure to remain on school premises in accordance with school rules

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. [5145.12](#) - Search and Seizure)

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

Students who violate school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, *referral to a student success team* or denial of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulation. The Superintendent/Principal or designee shall notify local law enforcement as appropriate.

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(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6020 - Parent Involvement)
(cf. 6145 - Extracurricular and Cocurricular Activities)

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

~~Students also may be subject to discipline for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts the educational program of the district or any other district in accordance with law, Board policy, or administrative regulation.~~

~~Possession/Use of Cellular Phones and Other Mobile Communications Devices~~

~~No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)~~

~~Except with prior consent for health reasons, students shall not possess or use on school-campus personal electronic signaling devices including, but not limited to, pagers; cellular/digital telephones for voice usage, digital imaging, or text messaging or other mobile communications devices such as digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptop computers.~~

~~Bullying/Cyberbullying~~

~~The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.~~

~~(cf. 5137—Positive School Climate)
(cf. 5138—Conflict Resolution/Peer Mediation)
(cf. 6164.2—Guidance/Counseling Services)~~

~~The district may provide students instruction, in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying. This instruction may involve parents/guardians, staff, and community members.~~

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~~(cf. 1220—Citizen Advisory Committees)~~
~~(cf. 6163.4—Student Use of Technology)~~

~~School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians and students also may be provided with similar information.~~

~~(cf. 4131—Staff Development)~~
~~(cf. 4231—Staff Development)~~
~~(cf. 4331—Staff Development)~~
~~(cf. 5136 - Gangs)~~

~~Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent/Principal or designee may establish other processes for students to submit anonymous reports of bullying. Complaints of bullying or harassment shall be investigated and resolved in accordance with the grievance procedures specified in AR 5145.7—Sexual Harassment.~~

~~When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance.~~

~~Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, the Superintendent/Principal, or other employee so that the matter may be investigated.~~

~~Any student who engages in cyberbullying using district-owned equipment, on school premises, or off-campus in a manner that impacts a school activity or school attendance shall be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent/Principal or designee also may file a complaint with the Internet site or service to have the material removed.~~

Legal Reference:

EDUCATION CODE

~~200-262.4 Prohibition of discrimination~~

~~32261 Bullying~~

~~35181 Governing board policy on responsibilities of students~~

~~35291-35291.5 Rules~~

PROPOSED UPDATED BOARD POLICY

~~44807 Duty concerning conduct of students~~

~~48900-48925 Suspension or expulsion, especially:~~

~~48908 Duties of students~~

~~51512 Prohibition against electronic listening or recording device in classroom without permission~~

~~CIVIL CODE~~

~~1714.1 Liability of parents and guardians for willful misconduct of minor~~

~~PENAL CODE~~

~~288.2 Harmful matter with intent to seduce~~

~~313 Harmful matter~~

~~417.25-417.27 Laser scope~~

~~647 Use of camera or other instrument to invade person's privacy; misdemeanor~~

~~647.7 Use of camera or other instrument to invade person's privacy; punishment~~

~~653.2 Electronic communication devices, threats to safety~~

~~VEHICLE CODE~~

~~23124 Use of cellular phones provisional license holders~~

~~CODE OF REGULATIONS, TITLE 5~~

~~300-307 Duties of pupils~~

~~UNITED STATES CODE, TITLE 42~~

~~2000h-2000h6 Title IX, 1972 Education Act Amendments~~

~~UNITED STATES CODE, TITLE 47~~

~~254 Universal service discounts (e-rate)~~

~~COURT DECISIONS~~

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

~~LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981~~

~~Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088~~

~~Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675~~

~~Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503~~

~~Management Resources:~~

~~CSBA PUBLICATIONS~~

~~Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007~~

~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS~~

~~Bullying at School, 2003~~

~~NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS~~

~~Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001~~

~~NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS~~

~~Bullying in School: Fighting the Bullying Battle, 2006~~

~~WEB SITES~~

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

~~California Cybersafety for Children: <http://www.cybersafety.ca.gov>~~

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

~~Center for Safe and Responsible Internet Use: <http://cyberbully.org>~~

~~National School Boards Association: <http://www.nsba.org>~~

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

PROPOSED UPDATED BOARD POLICY

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

Legal Reference:

EDUCATION CODE

[200-262.4](#) *Prohibition of discrimination*

[32280-32289](#) *Comprehensive safety plan*

[35181](#) *Governing board authority to set policy on responsibilities of students*

[35291-35291.5](#) *Rules*

[44807](#) *Duty concerning conduct of students*

[48900-48925](#) *Suspension and expulsion*

[51512](#) *Prohibition against electronic listening or recording device in classroom without permission*

CIVIL CODE

[1714.1](#) *Liability of parents and guardians for willful misconduct of minor*

PENAL CODE

[288.2](#) *Harmful matter with intent to seduce*

[313](#) *Harmful matter*

[417.25-417.27](#) *Laser scope or laser pointer*

[647](#) *Use of camera or other instrument to invade person's privacy; misdemeanor*

[653.2](#) *Electronic communication devices, threats to safety*

VEHICLE CODE

[23123-23124](#) *Prohibitions against use of electronic devices while driving*

CODE OF REGULATIONS, TITLE 5

[300-307](#) *Duties of students*

UNITED STATES CODE, TITLE 42

[2000h-2000h6](#) *Title IX, 1972 Education Act Amendments*

COURT DECISIONS

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

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

New Jersey v. T.L.O., (1985) 469 U.S. 325

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

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

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

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

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

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

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

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

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

revised: xxxx Davenport, California

PACIFIC SD

Board Policy

Weapons And Dangerous Instruments

BP 5131.7

Students

The Governing Board recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.3 - District Police/Security Department)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5131 - Conduct)
(cf. 5138 - Conflict Resolution/Peer Mediation)

Possession of Weapons

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Under the power granted to the Board to protect the safety of students, staff, and others on district property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds.

(cf. 4158/4258/4358 - Employee Security)

Unless he/she has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other prohibited weapon or dangerous instrument without permission, sells or furnishes a firearm, or commits any act of

assault with a firearm or other weapon. (Education Code 48902; Penal Code 245, 626.9, 626.10; 20 USC 7151)

(cf. 3515.2 - Disruptions)

Advance Permission for Possession of a Weapon or Replica for Educational Purposes

The parent/guardian of a student who desires to possess a firearm, imitation firearm, or other prohibited weapon on school grounds for an educational purpose shall, at least five school days in advance of the planned possession, submit a written request to the principal which explains the planned use of the weapon and the duration. The student shall also submit a written explanation from the staff person responsible for the school-sponsored activity or class.

The principal may grant permission for such possession when he/she determines that it is necessary for a school-sponsored activity or class or as part of the educational program. Factors that shall be considered include, but are not limited to, the planned use of the weapon, the duration and location of the planned use, whether an audience is expected, and any perceived adverse effects to the safety and well-being of students or staff. If the principal grants such permission, he/she shall provide the student and staff person with a written explanation regarding any limitations and the permissible duration of the student's possession.

When the principal or designee grants permission, he/she shall take all necessary precautions to ensure the safety of all persons on school grounds, including, but not limited to, inspecting a firearm to verify that no live ammunition is present. Any weapon allowed shall be stored in a locked vehicle or in an appropriate, locked container before and after its authorized use.

A student granted permission to possess a weapon or replica weapon may be suspended and/or expelled if he/she possesses or uses the weapon inappropriately.

Possession of Pepper Spray

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

Reporting of Dangerous Objects

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent

permitted by law.

(cf. 5125 - Student Records)

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

Legal Reference:

EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions

48916 Readmission

49330-49335 Injurious objects

PENAL CODE

245 Assault with deadly weapon

417.4 Imitation firearm; drawing or exhibiting

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school

653k Switchblade knife

16100-17350 Definitions

22810-23025 Tear gas weapon (pepper spray)

25200-25225 Firearms, access to children

30310 Prohibition against ammunition on school grounds

UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act, especially:

7151 Gun-Free Schools Act

Management Resources:

CSBA PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

0401.01 Protecting Student Identification in Reporting Injurious Objects

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act, January 2004

WEB SITES

COMPLETE REWRITE OF BOARD POLICY

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

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

National Alliance for Safe Schools: <http://www.safeschools.org>

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

U.S. Department of Education, Office of Safe and Drug Free Schools:
<http://www.ed.gov/about/offices/list/osdfs>

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

revised: XXXXX Davenport, California

Pacific SD

Board Policy

Tobacco

BP 5131.62

Students

The Governing Board recognizes the serious health risks presented by tobacco use and desires to ensure that, through adoption of consistent policies, district students are made aware of those risks and, to the extent possible, protected from them. The Superintendent or designee shall establish a coordinated school health system which includes a comprehensive behavioral health education component that teaches students the knowledge, skills, and attitudes they need in order to lead healthy lives and avoid high-risk behaviors, such as tobacco use.

(cf. [5141.23](#) - Asthma Management)

~~The Board of Trustees recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Superintendent/Principal or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco use prevention education, and intervention and cessation activities and/or referrals.~~

Prohibition Against Tobacco Use

Students shall not *possess*, smoke or use tobacco, or any product containing tobacco or nicotine, while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. *Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, electronic cigarette or hookahs and betel.* (Education Code [48900](#), [48901](#))

(cf. [3513.3](#) - Tobacco-Free Schools)

(cf. [5131](#) - Conduct)

(cf. [5144](#) - Discipline)

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Students with Disabilities))

This prohibition does not include students' possession or use of their own prescription products. *However, student possession or use of prescription products in school shall be subject to the district's policy and regulation for addressing the administration of medications on campus.* (Education Code [48900](#))

PROPOSED POLICY UPDATE – including removal of items required for TUPE funded schools

(cf. [5141.21](#) - Administering Medication and Monitoring Health Conditions)

(Education Code 48900, 48901)

~~(cf. 3513.3 - Tobacco-Free Schools)~~

~~(cf. 5131 - Conduct)~~

~~(cf. 5144 - Discipline)~~

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

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

Intervention/Cessation Services

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

Prevention Instruction

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-6. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Program Planning

The Superintendent/Principal or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

(cf. 1220 - Citizen Advisory Councils)

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

The Superintendent/Principal or designee also shall coordinate the district's tobacco-use prevention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

(cf. 1325 - Advertising and Promotion)

(cf. 5030 - Student Wellness)

(cf. 5131.6 - Alcohol and Other Drugs)

~~The district's program shall be aligned with guidelines issued by the California Department of Education (CDE) and with federal Principles of Effectiveness described in 20 USC 7115. The Superintendent/Principal or designee shall:~~

~~1. Base the district's program on a thorough assessment of objective data regarding tobacco use problems in district schools and the community~~

~~This assessment shall include an analysis of data regarding the incidence and consequences of tobacco use, an examination of existing efforts and activities in the community, and a determination of high-priority groups that are most in need of district services.~~

~~2. Establish a set of measurable goals and objectives and design the program to meet those goals and objectives~~

~~3. Design and implement the program based on scientific research or evaluation that provides evidence that the strategies will prevent or reduce tobacco use~~

~~4. Use the results of ongoing program evaluations to strengthen the program and refine program goals and objectives~~

~~Program Evaluation~~

~~To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent/Principal or designee shall biennially administer the California Healthy Kids Survey to students at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board and the CDE on program activities, program expenditures, the number of individuals receiving each type of service or training, progress toward program goals and objectives, and other data required pursuant to Health and Safety Code 104450.~~

~~(cf. 0500—Accountability)~~

~~(cf. 5022—Student and Family Privacy Rights)~~

~~(cf. 6162.8—Research)~~

~~Legal Reference:~~

~~EDUCATION CODE~~

~~[48900](#) Suspension or expulsion (grounds)~~

~~[48900.5](#) Suspension, limitation on imposition; exception~~

~~[48901](#) Smoking or use of tobacco prohibited~~

~~[51202](#) Instruction in personal and public health and safety~~

~~[60041](#) Instructional materials, portrayal of effects of tobacco use~~

~~HEALTH AND SAFETY CODE~~

~~[104350-104495](#) Tobacco-use prevention education~~

~~119405 Unlawful to sell or furnish electronic cigarettes to minors~~

~~PENAL CODE~~

PROPOSED POLICY UPDATE – including removal of items required for TUPE funded schools

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 8 (2005)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

TUPE Acceptance of Funds Guidance

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

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

WEB SITES

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

California Department of Education, Tobacco-Use Prevention Education:

<http://www.cde.ca.gov/ls/he/at/tupe.asp>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Healthy Kids Survey: <http://www.wested.org/hks>

Centers for Disease Control and Prevention, Smoking and Tobacco Use: <http://www.cdc.gov/tobacco>

U.S. Surgeon General: <http://www.surgeongeneral.gov>

Legal Reference:

EDUCATION CODE

~~48900 Suspension or expulsion (grounds)~~

~~48900.5 Suspension, limitation on imposition; exception~~

~~48901 Smoking or use of tobacco prohibited~~

~~51202 Instruction in personal and public health and safety~~

~~60041 Instructional materials, portrayal of effects of tobacco use~~

HEALTH AND SAFETY CODE

~~104350-104495 Tobacco use prevention education~~

PENAL CODE

~~308 Minimum age for tobacco possession~~

~~CODE OF REGULATIONS, TITLE 17~~

~~6800 Definition, health assessment~~

~~6844-6847 Child Health and Disability Prevention program; health assessments~~

~~UNITED STATES CODE, TITLE 20~~

~~7111-7117 Safe and Drug-Free Schools and Communities Act~~

~~ATTORNEY GENERAL OPINIONS~~

~~88 Ops.Cal.Atty.Gen. 8 (2005)~~

Management Resources:

~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS~~

~~Health Education Content Standards for California Public Schools: Kindergarten-~~

~~Through Grade Twelve, 2008~~

~~Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003~~

~~Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000~~

~~CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS~~

~~Guidelines Related to School Health Programs to Prevent Tobacco Use and Addiction, 1994~~

~~WEST ED PUBLICATIONS~~

~~Guidebook for the California Healthy Kids Survey: 2008-2009 Edition, 2008~~

~~WEB SITES~~

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

~~California Department of Education, Tobacco Use Prevention Education:–~~

~~<http://www.cde.ca.gov/ls/he/at/tupe.asp>~~

~~California Department of Public Health, Tobacco Control:–~~

~~<http://www.cdph.ca.gov/programs/tobacco>~~

~~California Healthy Kids Resource Center: <http://www.californiahealthykids.org>~~

~~California Healthy Kids Survey: <http://www.wested.org/hks>~~

~~Centers for Disease Control and Prevention, Smoking and Tobacco Use:–~~

~~<http://www.cdc.gov/tobacco>~~

~~Safe and Healthy Kids Annual Report: <http://hk.duerrevaluation.com>~~

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

~~U.S. Surgeon General: <http://www.surgeongeneral.gov>~~

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

Pacific SD

Board Policy

Health Care And Emergencies

BP 5141
Students

The Board of Trustees recognizes the importance of taking appropriate action whenever an emergency threatens the safety, health, or welfare of a student at school or during school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 - Infectious Diseases)
(cf. 5142 - Safety)

The Superintendent/Principal or designee shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible when student accidents and injuries occur and that parents/guardians are notified as appropriate.

(cf. 3530 - Risk Management/Insurance)
(cf. 5143 - Insurance)
(cf. 6145.2 - Athletic Competition)

The Superintendent/Principal or designee shall ask parents/guardians to provide emergency contact information in order to facilitate communication in the event of an accident or illness.

District staff shall appropriately report and document student accidents.

~~Resuscitation Orders~~ *"Do Not Resuscitate" Orders*

~~The Board believes that staff members should not be placed in the position of determining whether or not to follow any parental or medical "do not resuscitate" orders. Staff shall not accept or follow any such orders except under the specific written direction unless they have been informed by the Superintendent/Principal or designee that the request to accept such an order has been submitted to the Superintendent/Principal or designee, signed by the parent/guardian, and supported by a written statement from the student's physician and an order from an appropriate court.~~

The Board believes that staff members should not be placed in the position of determining whether or not to follow any parental or medical "do not resuscitate" orders. Staff shall not accept or follow any such orders except under the specific written direction of the Superintendent or designee. The Superintendent or designee may only direct a staff member to follow a "do not resuscitate" order if he/she has received a written parent/guardian authorization, with an authorized health care provider statement, and an order of an appropriate court.

The Superintendent or designee shall ensure that parents/guardians who have submitted a "do not resuscitate" order are informed of this policy.

~~The Superintendent/Principal or designee shall ensure that all parents/guardians are informed of this policy.~~

Automated External Defibrillators

~~The Board authorizes the placement of automated external defibrillators (AEDs) at the school for use by designated personnel who have volunteered to receive training in the use of AEDs.~~

~~The Superintendent/Principal or designee shall develop guidelines for employees regarding the use of these devices and shall ensure that employees receive training on their proper use and handling. The guidelines shall also specify the placement, security, and maintenance of the AED.~~

The Board authorizes the Superintendent or designee to place automated external defibrillators (AEDs) at designated school sites for use by school employees in an emergency.

The Superintendent or designee shall develop guidelines for employees regarding these devices and shall ensure that employees receive information that describes sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED. The guidelines shall also specify the placement, security, and maintenance of the AED.

The authorization of AEDs in the district school shall not be deemed to create a guarantee or obligation to use the AED in the case of an emergency nor any expectation that an AED or trained employee will be present and/or able to use an AED in an emergency or any expectation that the AED will operate properly.

Legal Reference:

EDUCATION CODE

[32040-32044](#) First aid equipment

[49300-49307](#) School safety patrols

[49407](#) Liability for treatment

[49408](#) Emergency information

[49409](#) Athletic events; physicians and surgeons; emergency medical care; immunity

[49417](#) Automated external defibrillators

[49470](#) Medical and hospital services for athletic program

[49471](#) Medical and hospital services not provided or available

[49472](#) Medical and hospital services for pupils

[49474](#) Ambulance services

[51202](#) Instruction in personal and public health and safety

CIVIL CODE

[1714.21](#) Defibrillators; CPR; immunity from civil liability

FAMILY CODE

[6550-6552](#) Caregivers

HEALTH AND SAFETY CODE

[1797.196](#) Automated external defibrillators, immunity from civil liability

1797.200 Emergency medical services agency

[1799.102](#) Personal liability immunity

CODE OF REGULATIONS, TITLE 8

[5193](#) California Bloodborne Pathogens Standard

CODE OF REGULATIONS, TITLE 22

100031-100042 Automated external defibrillators

Management Resources:

WEB SITES

American Heart Association: <http://www.americanheart.org>

American Red Cross: <http://www.redcross.org>

California Department of Health Care Services: <http://www.dhcs.ca.gov>

EDUCATION CODE

~~32040-32044 First aid equipment~~

~~49300-49307 School safety patrols~~

~~49407 Liability for treatment~~

~~49408 Emergency information~~

~~49409 Athletic events; physicians and surgeons; emergency medical care; immunity~~

~~49470 Medical and hospital services for athletic program~~

~~49471 Medical and hospital services not provided or available~~

~~49472 Medical and hospital services for pupils~~

~~49474 Ambulance services~~

~~51202 Instruction in personal and public health and safety~~

CIVIL CODE

~~1714.21 Defibrillators; CPR; immunity from civil liability~~

FAMILY CODE

~~6550-6552 Caregivers~~

HEALTH AND SAFETY CODE

~~1797.196 Automatic external defibrillators, immunity from civil liability~~

CODE OF REGULATIONS, TITLE 8

~~5193 California Bloodborne Pathogens Standard~~

Management Resources:

WEB SITES

~~American Heart Association: <http://www.americanheart.org>~~

~~American Red Cross: <http://www.redcross.org>~~

~~California Department of Health Care Services: <http://www.dhcs.ca.gov>~~

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

revised: XXXXXX Davenport, California

Pacific SD

Board Policy

Health Examinations

BP 5141.3
Students

The Board of Trustees recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the school program are necessary.

The Superintendent or designee shall verify that students have complied with legal requirements for a comprehensive health screening, an oral health assessment, and immunizations at school entry. In addition, the district shall administer tests for vision, hearing, and scoliosis as required by law.

(cf. [5141.26](#) - Tuberculosis Testing)

(cf. [5141.31](#) - Immunizations)

(cf. [5141.32](#) - Health Screening for School Entry)

(cf. [5141.6](#) - School Health Services)

~~In addition to verifying that students have complied with legal requirements for health examinations and immunizations before enrolling in school, the district shall administer tests for vision, hearing and scoliosis as required by law.~~

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Child Health and Disability Prevention Program)

(cf. 5141.6 - School Health Services)

~~All students who participate as cheerleaders, song leaders, or athletes in organized competitive sports shall first undergo and file with the district a current medical examination.~~ All students who participate as cheerleaders, song leaders, or athletes in organized competitive sports shall first undergo a medical examination and submit documentation of medical clearance to the district. Upon sustaining an injury or serious illness, a student may be required to have another examination before participating further. This requirement does not apply to participants in occasional play day or field day activities.

(cf. 5143 - Insurance)

(cf. 6145.2 - Athletic Competition)

The Superintendent/Principal or designee shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept confidential. ~~Records related to these examinations shall be available only in accordance with law.~~ *Records related to these examinations shall be maintained and released only in accordance with law.*

(cf. [5125](#) - Student Records)

(cf. 5125 - Student Records)

~~Reports to the Board regarding the number of students found to have physical problems and the effort made to correct them shall in no way reveal the identity of students.~~

Legal Reference:

EDUCATION CODE

~~44871-44879~~ Employment qualifications

~~49400-49413~~ General powers school boards (re pupil health)

~~49422~~ Supervision of health and physical development

~~49450-49457~~ Physical examinations (of pupils)

~~49460-49466~~ Development of standardized health assessments

HEALTH AND SAFETY CODE

~~120325-120380~~ Immunization against communicable diseases

~~121475-121520~~ Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 5

~~590-596~~ Vision screening

~~3027~~ Hearing and vision screening for special education

~~3028~~ Audiological screening

EDUCATION CODE

[44871-44879](#) Employment qualifications

[48980](#) Parental notifications

[49400-49414.5](#) Student health, general powers of school boards

[49422](#) Supervision of health and physical development

[49450-49458](#) Physical examinations (of students)

[49460-49466](#) Development of standardized health assessments

HEALTH AND SAFETY CODE

Proposed Policy Update

1685-1686 Audiometrists

[120325-120380](#) *Immunization against communicable diseases*

[121475-121520](#) *Tuberculosis tests for students*

[124025-124110](#) *Child Health and Disability Prevention Program*

CODE OF REGULATIONS, TITLE 5

[590-596](#) *Vision screening*

[3027](#) *Hearing and vision screening for special education*

[3028](#) *Audiological screening*

CODE OF REGULATIONS, TITLE 17

2950-[2951](#) *Hearing tests*

UNITED STATES CODE, TITLE 20

[1232g](#) *Family Educational Rights and Privacy Act*

[1232h](#) *Protection of student rights*

Management Resources:

CSBA PUBLICATIONS

Expanding Access to School Health Services: Policy Considerations for Governing Boards, November 2008

Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, November 2008

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Standards for Scoliosis Screening in California Public Schools, 2007

A Guide for Vision Testing in California Public Schools, 2005

CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS

Manual for the School Audiometrist

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008

WEB SITES

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

California Department of Education, Health Services/School Nursing: <http://www.cde.ca.gov/ls/he/hn>

California Department of Education, Type 2 Diabetes Information:
<http://www.cde.ca.gov/ls/he/hn/type2diabetes.asp>

California Department of Health Care Services

Proposed Policy Update

<http://www.dhcs.ca.gov>

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

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

revised: xxxx Davenport, California

Pacific SD

BP5141.4(a)

Board Policy

Child Abuse Prevention And Reporting

BP 5141.4

Students

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

Child Abuse Prevention

The district's instructional program may include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of abuse.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

BP5141.4(b)

The Child Abuse and Neglect Reporting Act (Penal Code 11164-11174.3) identifies persons who are mandated to report known or suspected child abuse or neglect and establishes procedures for filing a report.

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters.

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans
33195 Heritage schools, mandated reporters
33308.1 Guidelines on procedure for filing child abuse complaints
44252 Teacher credentialing
44691 Staff development in the detection of child abuse and neglect
44807 Duty concerning conduct of students
48906 Notification when student released to peace officer
48987 Dissemination of reporting guidelines to parents
49001 Prohibition of corporal punishment
51220.5 Parenting skills education
51900.6 Sexual abuse and sexual assault awareness and prevention

PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act
273a Willful cruelty or unjustifiable punishment of child; endangering life or health
288 Definition of lewd or lascivious act requiring reporting

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

BP5141.4(c)

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

COURT DECISIONS

Camreta v. Greene (2011) 131 S.Ct. 2020

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf

California Department of Education, Safe Schools:

<http://www.cde.ca.gov/ls/ss/ap>

California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, Child Welfare Information

Gateway: <https://www.childwelfare.gov/can>

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California

revised: XXXX Davenport, California

Pacific SD

Board Policy

Administering Medication And Monitoring Health Conditions

BP 5141.21

Students

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should have an opportunity to participate in the educational program.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

(cf. 5141.24 - Specialized Health Care Services)

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to his/her child at school, designate other individuals to do so on his/her behalf, and, with the child's authorized health care provider's approval, request the district's permission for his/her child to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

(cf. 1250 - Visitors/Outsiders)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Asthma Management)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

(cf. 6116 - Classroom Interruptions)

The Superintendent or designee shall make available epinephrine auto-injectors at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

Administration of Medication by School Personnel

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other

medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

(cf. 3530 - Risk Management/Insurance)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual. (Education Code 49414, 49414.3, 49414.5, 49423, 49423.1)

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference:

EDUCATION CODE

48980 Notification at beginning of term

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49414.3 Emergency medical assistance; administration of medication for opioid overdose

49414.5 Providing school personnel with voluntary emergency training

49422-49427 Employment of medical personnel, especially:

49423 Administration of prescribed medication for student

49423.1 Inhaled asthma medication

49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially:

2726 Authority not conferred

2727 Exceptions in general

3501 Definitions

4119.2 Acquisition of epinephrine auto-injectors

4119.8 Acquisition of naloxone hydrochloride or another opioid antagonist

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

COURT DECISIONS

American Nurses Association v. Torlakson, (2013) 57 Cal.4th 570

Management Resources:

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006

Training Standards for the Administration of Epinephrine Auto-Injectors, rev. 2015

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

Program Advisory on Medication Administration, 2005

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003

WEB SITES

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

American Diabetes Association: <http://www.diabetes.org>

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

National Diabetes Education Program: <http://www.ndep.nih.gov>

U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information: <http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>

Policy PACIFIC SCHOOL DISTRICT

approved: October 15, 2009 Davenport, California

revised: xxxx Davenport, California

Pacific SD

Board Policy

Food Allergies/Special Dietary Needs

BP 5141.27

Students

The Board of Trustees desires to prevent exposure of students to foods to which they are allergic and to provide for prompt and appropriate treatment in the event that a severe allergic reaction occurs at school.

The Superintendent/Principal or designee shall develop guidelines for the care of food-allergic students. Such guidelines shall include, but not be limited to, strategies for identifying students at risk for allergic reactions, avoidance measures, *education of staff regarding typical symptoms*, ~~and other means to manage allergies, education of staff regarding typical symptoms~~, and actions to be taken in the event of a severe allergic reaction.

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Parents/guardians shall be responsible for notifying the Superintendent/Principal or designee, in writing, regarding any food allergies or other special dietary needs of their child in accordance with administrative regulation.

(cf. 5125 - Student Records)

~~Students with serious dietary needs that qualify as a disability under Section 504 of the federal Rehabilitation Act or the Individuals with Disabilities Education Act shall be provided reasonable accommodation or services, as appropriate, in accordance with his/her accommodation plan or individualized education program.~~

~~(cf. 6159 - Individualized Education Program)~~

~~(cf. 6164.6 - Identification and Education Under Section 504)~~

~~Students shall not be excluded from school activities based solely on their food allergy.~~

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

Students with serious dietary needs that qualify as a disability under Section 504 of the federal Rehabilitation Act or the Individuals with Disabilities Education Act shall be provided reasonable accommodation or services, as appropriate, in accordance with his/her accommodation plan or individualized education program.

(cf. [6159](#) - Individualized Education Program)

(cf. [6164.6](#) - Identification and Education Under Section 504)

Students shall not be excluded from school activities based solely on their food allergy.

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

Legal Reference:

~~EDUCATION CODE~~

~~49407 Liability for treatment~~

~~49408 Emergency information~~

~~49414 Emergency epinephrine auto-injectors~~

~~49423 Administration of prescribed medication for student~~

~~CODE OF REGULATIONS, TITLE 5~~

~~600-611 Administering medication to students~~

~~15562 Reimbursement for meals, substitutions~~

~~UNITED STATES CODE, TITLE 20~~

~~1232g Family Educational Rights and Privacy Act of 1974~~

~~1400-1482 Individuals with Disabilities Education Act~~

~~UNITED STATES CODE, TITLE 29~~

~~701-795a Rehabilitation Act, including:~~

~~794 Rehabilitation Act of 1973, Section 504~~

~~UNITED STATES CODE, TITLE 42~~

~~1751-1769h National School Lunch Program~~

~~1771-1791 Child nutrition, especially:~~

~~1773 School Breakfast Program~~

~~CODE OF FEDERAL REGULATIONS, TITLE 7~~

~~210.1-210.31 National School Lunch Program~~

~~220.1-220.21 National School Breakfast Program~~

~~225.16 Meal programs, individual substitutions~~

Management Resources:

~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS~~

~~Training Standards for the Administration of Epinephrine Auto-Injectors,-
December 2004~~

~~FOOD ALLERGY AND ANAPHYLAXIS NETWORK (FAAN) PUBLICATIONS~~

~~School Guidelines for Managing Students with Food Allergies~~

~~U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS~~

~~Accommodating Children with Special Dietary Needs in the School Nutrition-~~

~~Programs: Guidance for School Food Service Staff, Fall 2001~~

~~WEB SITES~~

~~American Dietetic Association: <http://www.eatright.org>~~

~~American School Food Service Association: <http://www.asfsa.org>~~

~~California Department of Education, Health Services and School Nursing:~~

~~<http://www.cde.ca.gov/ls/he/hn>~~

~~Food Allergy and Anaphylaxis Network: <http://www.foodallergy.org>~~

~~International Food Information Council: <http://ific.org>~~

~~National School Boards Association, School Health Programs:~~

~~<http://www.nsba.org>~~

~~U.S. Department of Agriculture: <http://www.fns.usda.gov>~~

Legal Reference:

EDUCATION CODE

[49407](#) Liability for treatment

[49408](#) Emergency information

[49414](#) Emergency epinephrine auto-injectors

[49423](#) Administration of prescribed medication for student

CODE OF REGULATIONS, TITLE 5

[600-611](#) Administering medication to students

[15562](#) Reimbursement for meals, substitutions

UNITED STATES CODE, TITLE 20

[1232g](#) Family Educational Rights and Privacy Act of 1974

[1400-1482](#) Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

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Food Allergy and Anaphylaxis Network: <http://www.foodallergy.org>

International Food Information Council: <http://ific.org>

National School Boards Association, School Health Programs: <http://www.nsba.org>

U.S. Department of Agriculture: <http://www.fns.usda.gov>

Policy PACIFIC SCHOOL DISTRICT

adopted: October 15, 2009 Davenport, California