

TAMALPAIS UNION HIGH SCHOOL DISTRICT



PARENTAL ANNUAL NOTICE 2020-2021

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www.tamdistrict.org**

****MANDATORY****

**EACH STUDENT MUST RETURN
THIS COMPLETED FORM IN ORDER
TO RECEIVE A CLASS SCHEDULE
ON THE SCHEDULE PICK UP DAY**

Dear Parent/Guardian:

United States and California Law and, specifically, California Education Code §48980 require that, at the beginning of the first semester or quarter of the regular school term, the Governing Board of each school district must notify parents/guardians of their rights and responsibilities under certain provisions of the Education Code.

Education Code §48982 requires parents/guardians to sign and acknowledge that they are aware of their rights and responsibilities. Please sign page 2 and return it with your student(s) when they pick up the schedule of classes. Your signature only acknowledges that you have received information about your rights. (It does not indicate your consent or refusal to participate in any particular program.)

As one of Tamalpais Union High School District's cost savings measures, the full text of the *Parental Annual Notice* is now available online at www.tamdistrict.org/annualnotice, and the *Parent/Student Handbook*, which has additional information including student discipline, is also now online at your school's website. Hard copies of the *Parental Annual Notice* and the *Parent/Student Handbook* are available in the Principal's Office at your school.

**Tamalpais Union High School District
PARENT NOTIFICATION OF DISTRICT POLICIES
2020-2021**

Please review and sign below to acknowledge that you have been informed of your rights in the *Parental Annual Notice*. **Return this page to your student's school when your student picks up their schedule of classes.** A separate notice must be signed by the parents for each student enrolled in the Tamalpais Union High School District. The signed notice will be kept on file.

Student Name: _____

School Name: _____

Grade: _____

Student's Date of Birth: _____

Student Signature: _____ Date: _____

I acknowledge receipt of the 2020-2021 Parental Annual Notice.

Signature of Parent/Guardian: _____

Date: _____



PARENT NOTIFICATION OF DISTRICT POLICIES

Policies and regulations are frequently updated. There have been changes to the policies listed in this notice during the past year, so please read it carefully. Please continue to check our policies on our website for the most up to date versions of the policies listed in this document.

<http://TUHSD.org/community/board/Policies/index.shtml>

Table of Contents

Absence for Confidential Medical Services	5
Absence for Religious Purposes	5
Access to Programs and Facilities Based on Gender Identity	5
Accident / Injury Insurance	5
Administration of Prescribed Medication.....	5
Anti-Seizure Medication.....	5
Advanced Placement Exam Fees.....	6
Alternative Schools.....	6
Asbestos Management	6
Bullying Prevention	7
Career Technical Education.....	9
Challenging Student Records	9
College Admission Requirements for UC / CSU	10
Course Selection and Career Counseling	10
District and Site Discipline Rules.....	10
Epi-Pen	11
Excused Absences Cannot Reduce Grade / Credit	11
Excuse from Health Instruction	12
Free and Reduced Price Meals	12
Graduation Requirements	13
Grounds for Suspension and Expulsion.....	13
HIV / Sex Education	15
Home and Hospital Instruction	16
Immunizations	17
Intra-district Transfer Information.....	18
Inter-district Transfer Information.....	18
Minimum Days and Pupil-Free Staff Development Days	18
Nondiscrimination in District Programs and Activities	18
Open Campus	19
Pesticide Products	19
Physical Examination	19
Proficiency Examination	19
Release of Directory Information / Privacy Policy / Opt-Out Process.....	20
Release of Directory Information for Homeless Students.....	21
Right to Refrain from Harmful or Destructive Use of Animals'	21
Sexual Harassment	22
Special Education	34
Students in Danger of Failing a Course.....	34
Student Records	34
Suicide Prevention	37
Teacher and Paraprofessional Qualifications	39
Title IX	39
Tobacco-Free Schools	39
Unlawful Discrimination	40
Uniform Complaint Procedures/Report Form	41
Williams Uniform Complaint Procedures/Report Form	59

ABSENCE FOR CONFIDENTIAL MEDICAL SERVICES

In accordance with Education Code 46010.1, school authorities may excuse any student in grades 7 through 12 from school to obtain confidential medical services without the consent of the student's parent/guardian. Confidential appointments are appointments to receive services that a minor can obtain on their own consent under state and federal law. These services may include: medical care related to mental health treatment or counseling, family planning services, contraception, pregnancy, STI testing and treatment, HIV/AIDs testing and treatment, substance abuse services, residential shelter services and sexual assault treatment. When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment. For further information, please see Board Policy 5113 – Absences and Excuses and Administrative Regulation 5113 – Absences and Excuses.

ABSENCE FOR RELIGIOUS PURPOSES

A student's absence shall be excused for participation in religious exercises or to receive moral and religious instruction in accordance with district policy. In such instances: a. The student shall attend at least the minimum school day. b. The student shall be excused for this purpose on no more than four days per school month. For further information, please see Board Policy 5113 – Absences and Excuses.

ACCESS TO PROGRAMS AND FACILITIES BASED ON GENDER IDENTITY

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

ACCIDENT / INJURY INSURANCE

The District does not provide insurance to cover student accidents or injuries while the student is at school, going to or from school, or while attending school-sponsored activities. Insurance for students may be purchased by parents/guardians through a separate program at your school. Some students may qualify to enroll in no-cost or low-cost local, state, or federally sponsored health insurance programs. Information about these programs may be obtained by calling 1-800-880-5305. (Education Code 49472)

ADMINISTRATION OF PRESCRIBED MEDICATION

The parent or legal guardian of any student taking medication on a regular basis must inform the school nurse or designated employee of the medication being taken, the current dosage, and the name and contact information of the supervising physician. With the consent of the parent or legal guardian, the school nurse may communicate with the physician and may counsel with the school personnel regarding the possible effects of the medication on the student. Any student who is required to take, during the regular school day, medication prescribed by a physician or surgeon, may be assisted by the school nurse or other designated school personnel or may carry and self-administer auto-injectable epinephrine or inhaled asthma medication if the school district receives a written statement of instructions from the physician detailing the method, amount and time schedules by which such medication is to be taken. The written statement of instructions shall be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. A student may be subject to disciplinary action pursuant to Section 48900 if he/she uses auto-injectable epinephrine or inhaled asthma medication in a manner other than as prescribed. (Education Code 49423.)

ANTI-SEIZURE MEDICATION

Parents of a student with epilepsy who has been prescribed an emergency anti-seizure medication may request that their student's school have one or more of its employees receive voluntary training in the administration of the medication in the event that the student suffers a seizure when a nurse is not available. Upon receipt of the parent's request, the school district must notify the parent that their child may qualify for an

individualized education program or a Section 504 plan.

ADVANCED PLACEMENT EXAM FEES

Any economically disadvantaged student, as defined in Education Code 52241, who is enrolled in an Advanced Placement course may apply to cover the costs of Advanced Placement examination fees minus five dollars which shall be paid by the student. For more information, please contact the school site principal or counseling department. (Education Code 52242.)

ALTERNATIVE SCHOOLS

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

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

In the event any parent, pupil or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of the District, and the principal's office have copies of the law available for your information. This law particularly authorizes interested persons to request the Board of Trustees of the district to establish alternative school programs in each district.

Further, a copy of the notice shall be distributed to each teacher of the district before March 1 of each year and copies shall be posted in at least two places normally visible to pupils, teacher, and visiting parents in each attendance unit for the entire month of March in each year.

The Tamalpais Union High School District maintains two alternative high schools – San Andreas High School (Continuation) and Tamiscal High School (Independent Study). Enrollment is open to any student within the District. Parents or guardians interested in these programs should contact their school counselor directly for more information.

ASBESTOS MANAGEMENT

You may request to review the complete updated management plan for asbestos containing material in each school building. (40 CFR §763.93) In 1987 the Asbestos Hazard Emergency Response Act (AHERA) was signed into law. Since the enactment of the AHERA, all schools nationwide are required to take comprehensive action relative to asbestos in their buildings. These actions include inspections by Environmental Protection Agency (EPA) accredited inspectors, the assessment of conditions and potential exposure of asbestos materials and the posting of warning labels.

The Tamalpais Union High School District has taken an aggressive step toward the protection of human health in the implementation of its AHERA compliance program. The program, designed by University Associates, Ltd. and put into action by the District, exceeds the requirements of the AHERA and sets an example to be followed by school districts nationwide.

If you are interested in reviewing the management plan for your high school, please contact the Assistant Principal during the school year. He/she would be happy to meet with you to discuss any questions you might have after reviewing the plan.

BULLYING PREVENTION

Board Policy Students (BP 5131.2)

The Tamalpais Union High School District Board of Trustees recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images as defined in Education Code 48900. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

Bullying Prevention

To the extent possible, district schools shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

Such instruction shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying Immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior And characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, athletic facilities, locker rooms, hallways, restrooms, cafeterias.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

(cf. 5145.3 - Nondiscrimination/Harassment)

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report their observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed. When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Investigation and Resolution of Complaints

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

Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity, school attendance, or the targeted student's educational performance, shall be subject to corrective action. Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to

disciplinary action, up to and including dismissal.

CAREER TECHNICAL EDUCATION

Career Technical Education (CTE) is a program of study that involves a multiyear sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers. For more information, please see the California Career Technical Education website. Students or parents can contact the Counseling Department at their high school to help them choose courses that will meet college admission requirements and/or enroll in career technical education courses. Additional information regarding career technical education can be found at <http://www.cde.ca.gov/ci/ct/>.

CHALLENGING STUDENT RECORDS

The custodial parent/guardian of any student may submit to the Superintendent or designee a written request to correct or remove from his/her child's records any information concerning the child which he/she alleges to be any of the following: (Education Code 49070)

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

When a student grade is challenged, the teacher who gave the grade shall be given an opportunity to state orally, in writing, or both, the reasons for which the grade was given. Insofar as practicable, he/she shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith or incompetency, the student's grade as determined by the teacher shall be final. (Education Code 49066)

Within 30 days of receiving a request to correct or remove information from a record, the Superintendent or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegations. (Education Code 49070)

If the parent/guardian's allegations are sustained, the Superintendent shall order the correction or removal and destruction of the information. (Education Code 49070)

If the Superintendent denies the allegations, the parent/guardian may write within 30 days to appeal the decision to the Board of Trustees. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and the employee (if still employed) who recorded the information in question. The Board shall then decide whether or not to sustain or deny the allegations. If it sustains any or all of the allegations, the Superintendent shall immediately correct or remove and destroy the information from the student's records. (Education Code 49070)

The decision of the Board shall be final. If the decision of the Superintendent or Board is unfavorable to the parent/guardian, the parent/guardian shall have the right to submit a written statement of objections. This statement shall become a part of the student's record. (Education Code 49070)

Both the Superintendent and the Board have the option of appointing a hearing panel to assist in making the decision. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent/guardian consents to releasing record information to panel members. (Education Code 49070, 49071)

The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a postsecondary institution. (Education Code 49061)

COLLEGE ADMISSION REQUIREMENTS FOR UC/CSU

The following sequence of high school courses is required by the Academic Senate of the University of California (UC) and California State University (CSU) as appropriate for fulfilling the minimum eligibility requirements for admission to the UC/CSU system. It also illustrates the minimum level of academic preparation students ought to achieve in high school to undertake university level work.

The "a-g" requirements can be summarized as follows:

- a. **History / Social Science** – Two years, including one year of world or European history, cultures and geography and one year of U.S. history or one-half year of U.S. history and one-half year of civics or American government.
- b. **English** – Four years of college preparatory English that include frequent writing, from brainstorming to final papers, as well as reading of classic and modern literature.
- c. **Mathematics** – Three years of college preparatory mathematics that include the topics covered in elementary and advanced algebra and two- and three-dimensional geometry. (UC recommends 4 years)
- d. **Laboratory Science** – Two years of college-preparatory laboratory science, including or integrating topics that provide fundamental knowledge in two of three of these subjects: biology, chemistry or physics. (UC recommends 3 years)
- e. **Language Other Than English** – Two years of the same language other than English. (UC recommends 3 years)
- f. **Visual & Performing Arts** – One yearlong course of visual and performing arts chosen from the following disciplines: dance, drama/theater, music, interdisciplinary arts or visual art — or two one-semester courses from the same discipline is also acceptable.
- g. **College Preparatory Elective** – One year (two semesters), in addition to those required in "a-f" above, chosen from the following areas: visual and performing arts, history, social science, English, advanced mathematics, laboratory science and language other than English (a third year in the language used for the "e" requirement or two years of another language)

For further information on UC/CSU admissions, please see the University of California website (<http://admission.universityofcalifornia.edu>) and the California State University website (<https://www2.calstate.edu/attend/admissions>.)

COURSE SELECTION & CAREER COUNSELING

All high school students will be assigned to a school counselor upon enrollment and are required to complete a four-year plan that will outline how college requirements will be met or how enrollment in Career Technical Education (CTE) will take place. General Course selection and career counseling help is available by contacting the counseling department at your school.

DISTRICT & SITE DISCIPLINE RULES

TUHSD prepares students for responsible citizenship by fostering self-discipline and personal responsibility. High expectations for student behavior, effective classroom management, and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. Discipline shall be used in a manner that corrects student behavior and produces a safe environment without intentionally creating an adverse effect on student learning or health.

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. Board policies and administrative regulations shall cultivate positive student conduct and provide a clear basis for sound disciplinary practices. Each school shall develop and communicate disciplinary rules to meet the school's particular needs. For site specific rules, please see each site's school handbook.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats.
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.
- 3. Conduct that disrupts the orderly classroom or school environment.
- 4. Willful defiance of staff's authority.
- 5. Damage to or theft of property belonging to students, staff, or the district.
- 6. Obscene acts or use of profane, vulgar, or abusive language.
- 7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs.
- 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, students shall first obtain permission from the principal or designee. The 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.
- 10. Plagiarism or dishonesty in school work or on tests
- 11. Inappropriate attire
- 12. Tardiness or unexcused absence from school
- 13. Failure to remain on school premises in accordance with school rules

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. Persistently disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation. For further information, please see our Administrative Regulation 5144 – Discipline and the section on Grounds for Suspension and Expulsion that follows.

EPI-PEN (Authorization to provide Epinephrine Auto-Injectors)

California Education Code 49414 authorizes school districts to provide epinephrine auto-injectors to trained personnel to use to provide emergency medical aid to persons suffering from an anaphylactic reaction. Anaphylaxis is a rapid, severe allergic response triggered by insect stings, foods, medications, latex materials, exercise, or in rare cases by unknown causes. This is a life-threatening allergic condition, requiring immediate treatment. Administering epinephrine to students during a medical emergency may help to insure the student's health and safety at school.

EXCUSED ABSENCES CANNOT REDUCE GRADE/CREDIT

Students may make up work missed during an excused absence. Excused absences do not lead to a loss of credit under school credit loss policies. Section 48205 of the Education Code states:

Notwithstanding Section 48200, a student's absence shall be excused for the following reasons:

- 1. Personal illness. (Education Code 48205)
 - 2. Quarantine under the direction of a county or city health officer. (Education Code 48205)
- (cf. 5112.2 - Exclusions from Attendance)*
- 3. Medical, dental, optometrical, or chiropractic appointments. (Education Code 48205)
 - 4. Attendance at funeral services for a member of the immediate family, which shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state (Education Code 48205) Immediate family shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister, or any relative living in the student's immediate household. (Education Code 45194, 48205)
 - 5. Jury duty in the manner provided by law. (Education Code 48205)
 - 6. Exclusion for up to five school days, for failure to present evidence of immunization. (Education Code 48205)

(cf. 5141.31 - Immunizations)

7. Participation in religious exercises or to receive moral and religious instruction in accordance with district policy, subject to the following conditions: (Education Code 46014)

- a. The student's parent/guardian shall provide written consent for the absence.
- b. The student shall attend at least the minimum school day.
- c. The student shall be excused from school for this purpose on no more than four days per school month.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

8. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)

- a. Appearance in court
- b. Attendance at a funeral service
- c. Observation of a holiday or ceremony of his/her religion
- d. Attendance at religious retreats for no more than four hours per semester
- e. Attendance at an employment conference
- f. Attendance at an educational conference offered by a nonprofit organization on the legislative or judicial process

9. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205)

(cf. 6142.3 - Civic Education)

10. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment. (Education Code 48205)

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

11. To attend his/her naturalization ceremony to become a United States citizen. (Education Code 48205)

For further information, please see Board Policy 5113 – Absences and Excuses, Administrative Regulation 5113 – Absences and Excuses and Board Policy 6154 – Homework/Makeup Work.

EXCUSE FROM HEALTH INSTRUCTION

Parents and guardians may request in writing that their student be excused from any part of a school's instruction in health based on religious or moral grounds.

FREE & REDUCED PRICE MEALS

Free or reduced-price meals are available at school for students whose parents or legal guardians qualify, based on annual household income, and complete the required application form. Applications forms may be obtained at a school office or the district office. For more information, please see Administrative Regulation 3553 – Free and Reduced Price Meals. (Education Code 49510 *et seq.*)

GRADUATION REQUIREMENTS

Current high school graduation requirements can be viewed at [Board Policy 6146.1 – High School Graduation Requirements](#). Please contact your school counselor for more personalized information.

GROUNDS FOR SUSPENSION & EXPULSION

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of objects of this type, the student has obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
3. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance, listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance, listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant. Committed or attempted to commit robbery or extortion.
5. Committed or attempted to commit robbery or extortion
6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco, or products containing tobacco or nicotine products, including but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a student of his/her own prescription products.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, defined in Health and Safety Code [11014.5](#).
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. (See III.B. for examples of behavior that violate this subsection.) Knowingly received stolen school property or private property.
12. Possessed an imitation firearm. As used in this subsection, imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
13. Committed or attempted to commit a sexual assault as defined in Penal Code [261](#), [266\(c\)](#), 286, 288, 288(a), or 289, or committed a sexual battery as defined in Penal Code [243.4](#).
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for purposes of either preventing that student from being a witness or retaliating against that student for being a witness, or both.
15. Committed sexual harassment as defined in Education Code [212.5](#). The sexual harassment must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code [48900.2](#))
16. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of section 233. (Education Code [48900.3](#)) (See III.C. for examples of hate-motivated behavior.)
17. Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment. Harassment, threats, or intimidation include messages or information communicated through electronic means, including the use of the internet or cell phones. (Education Code [48900.4](#))

18. Made a terroristic threat against school official(s) or school property, or both. (Education Code 48900.7) Terroristic threats shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it was made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his/her own safety or for his/her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his/her immediate family. Written threats include those communicated through electronic means.
19. Aids or abets, as defined in Penal Code 31, the infliction or attempted infliction of physical injury to another person. For this offense, a student may be suspended, but not expelled, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to III.A.1. above and Education Code 48900, subdivision (a). (Education Code 48900(t))
20. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug SOMA. (Education Code 48900(p))
21. Engaged in, or attempted to engage in, hazing. "Hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. "Hazing" does not include athletic events or school-sanctioned events.
22. Engaged in an act of bullying.
 - a. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Education Code Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
 - i. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property;
 - ii. Causing a reasonable pupil to experience a substantially detrimental effect on their physical or mental health;
 - iii. Causing a reasonable pupil to experience substantial interference with their academic performance;
 - iv. Causing a reasonable pupil to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by a school.
 - b. "Electronic act" means the transmission, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to any of the following:
 - i. A message, text, sound, or image;
 - ii. A post on a social network Internet Web site including, but not limited to:
 1. Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in III.A.23.a. above;
 2. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in III.A.23.a. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated;
 3. Creating a false profile for the purpose of having one or more of the effects listed in III.A.23.a. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile. Notwithstanding III.A.23.a., an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
 - c. "Reasonable pupil" means a pupil, including but not limited to, an exceptional needs pupil, who exercises average care, skills, and judgment in conduct for a person of their age, or for a person of their age with their exceptional needs.

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that they:

1. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2) Sexual harassment means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)
2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3) Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. (Education Code 233)
3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4)
4. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. Bullying means one or more acts by a student or group of students that constitutes sexual harassment pursuant to Education Code 48900.2, as defined in item #19 above; hate violence pursuant to Education Code 48900.3, as defined in item #20 above; or harassment, threats, or intimidation pursuant to Education Code 48900.4, as defined in item #21 above. (Education Code 32261)
 - a. Electronic act means the creation and transmission, originated on or off the school site, of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including, but not limited to, the following circumstances:

1. While on school grounds;
2. While going to or coming from school;
3. During the lunch period, whether on or off the campus;
4. During, or while going to or coming from, a school sponsored activity; or,
5. While on another school district's grounds.

The Superintendent or principal may use their discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program.

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

For further information, please see [Administrative Regulation 5144 – Student Discipline](#).

HIV/SEX EDUCATION

All pupils in grades 7 to 12 receive comprehensive sexual health education and HIV prevention education at least once in high school. (CA Healthy Youth Act AB 239). The state mandates that this education include: sex education, HIV prevention, affirmative consent, sexual harassment, human trafficking prevention, healthy relationships and more. Districts shall annually notify parents about instruction in comprehensive sexual health education and HIV/AIDS prevention education and research. Per California Education Code 48980 and 51938 parents/guardians/caregivers are to be notified *(1) that written and audiovisual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education are available for inspection, (2) whether this educational material will be taught by district personnel or by outside consultants, (3) that the parent/guardian may request a copy of TUUSD Parent and Student Handbook 2019-2020 Education Code Sections 51937 et seq., and (4) that the parent/guardian may request in writing that

their child not receive comprehensive sexual health education or HIV/AIDS prevention education without penalty. **This notice fulfills this requirement.** If the District uses outside consultants or guest speakers, the parent/guardian shall be provided with notice at least 14 days before the instruction with (1) the date of the instruction; (2) the name of the organization or affiliation of each speaker; and (3) information about the right to request a copy of Education Codes 51937, 51933 and 51934. If you want your child excluded from any portion of the health education program, please submit the request in writing to your child's teacher of health education at his/her school site. Additional information about your child's health education program can be obtained by contacting your child's teacher of health education and/or principal.

The law also authorizes the district to use anonymous, voluntary and confidential research and evaluation tools to measure the health behaviors and risks of students in grades 9 to 12, including tests, questionnaires, and surveys containing age appropriate questions about the student's attitudes concerning or practices relating to sex. The district must notify you in writing before any such test, questionnaire, or survey is administered and provide you with an opportunity to review the test and request in writing that your child not participate. Upon written request of a parent, students shall be excused from the part of any school instruction in health if it conflicts with the religious training and beliefs of a parent. (Education Code 51938).

HOME & HOSPITAL INSTRUCTION

A student with a temporary disability that makes school attendance impossible or inadvisable and projected to continue beyond two weeks shall receive individual instruction in the student's home or in a hospital or other residential health facility, excluding state hospitals. This instruction applies to students incurring a physical, mental or emotional disability after which they can reasonably be expected to return to regular day classes or an alternative education program without special intervention. (Education Code 48206.3) It does not apply to students identified as individuals with exceptional needs pursuant to Education Code 56026.

Home or hospital instruction shall be provided only by teachers with valid California teaching credentials who consent to the assignment. (Education Code 44865)

The District shall offer at least one hour of instruction for every day of instruction offered by the district in the regular education program. No student shall be credited with more than five days of attendance per calendar week or credited with more than the total number of calendar days that regular classes are offered by the district in any fiscal year.

Insofar as possible, the teacher providing home or hospital instruction shall consult with the student's current classroom teacher(s) so as to provide a continuity of instruction that enables the student to stay abreast with the regular school program. The Superintendent or designee may require verification through any reasonable means that the student requires home instruction. In addition, this verification shall also state that the disabling condition will not expose the teacher to a contagious disease that can be transmitted through casual contact. Home or hospital instruction shall not be denied to students with Hepatitis B, herpes or HIV/AIDS, as long as the home or hospital practices current preventive protocol as determined by the U.S. Centers for Disease Control.

A student of another district who is temporarily disabled and confined to a hospital or health facility within this district shall be eligible to receive individual instruction in this district. (Education Code 48207)

In such circumstances, it is the responsibility of the parent/guardian to notify the district of the student's presence in a qualifying hospital (by completing the home school request protocol). (Education Code 48208)

Upon receiving such notification, the Superintendent or designee shall (Education Code 48208):

1. Within five working days of the notification, determine whether the student is able to receive individualized instruction and, if so, when it shall begin. Instruction shall begin no later than five working days after the Superintendent or designee has determined that the student is able to receive individualized instruction.
2. Within five working days of the beginning of the individualized instruction, the Superintendent or designee shall provide written notification to the district in which the student was previously enrolled stating that the student shall not be counted by that district for purposes of computing average daily attendance, effective the date on which individualized instruction began. Alternatively, the Superintendent or designee may enter into an agreement with the district in which

the student was previously enrolled to have that district provide the individualized instruction. (Education Code 48208)

IMMUNIZATIONS

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Board of Trustees desires to cooperate with state and local health agencies to encourage immunization of all district students against preventable diseases.

Students entering a district school or child care and development program, or transferring between school campuses, shall present an immunization record which shows at least the month and year of each immunization in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

Each transfer student shall present their immunization record certifying that they have received all required immunizations currently due before being admitted to school. The Superintendent or designee may arrange for qualified medical personnel to administer immunizations at school to any student whose parent/guardian has consented in writing. (Education Code 49403)

Exemption from immunization requirements is allowed when the student's parent/guardian provides a written statement by a licensed physician that the physical condition or medical circumstances of the student are such that immunization is unsafe or is permanently not indicated. (Health and Safety Code 120370, 120375; 17 CCR 6051)

However, if there is good cause to believe that the student has been exposed to one of the communicable diseases listed above, the student may be temporarily excluded from school until the local health officer is satisfied that the student is no longer at risk of developing the disease. (Health and Safety Code 120370)

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or until the student presents a letter or affidavit of exemption from the student's parent/guardian and physician.

Before a student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days in which to supply evidence of proper immunization or an appropriate letter of exemption. This notice shall refer the parent/guardian to the child's usual source of medical care. (Education Code 48216; 17 CCR 6040)

If no usual source of medical care exists, the parent/guardian shall be referred to the county health department. (Education Code 48216)

The Superintendent or designee shall exclude from further attendance any student who fails to obtain the required immunization within 10 school days following receipt of the parent/guardian notice specified above, unless the student is exempt from immunization for medical reasons. The student shall remain excluded from school until they have received another dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

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

1. They have received some but not all required immunizations and is not due for any vaccine dose at the time of admission
2. They have an exemption from immunization for medical reasons.

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

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

INTRADISTRICT TRANSFER REQUESTS

As the Board of Trustees actively supports the neighborhood school concept, students in the Tamalpais Union High School District shall generally attend the school located in their attendance area. Attendance areas shall be defined by the Board of Trustees through the establishment of attendance boundaries.

There are 2 means by which students living within the boundaries of the Tamalpais Union High School District may seek to attend a school located outside of their attendance area:

1. Open Enrollment allows students to attend other neighborhood schools outside their attendance area on a space available basis.
2. Compelling Needs Transfer requests allow a student to attend a school outside their attendance area on the basis of a compelling need.

For further information contact: Superintendent's secretary, (415) 945-3720.

INTERDISTRICT TRANSFER REQUESTS

All interdistrict attendance agreement requests, either into or out of the Tamalpais Union High School District, shall be approved or denied by the Superintendent or designee, acting for the Board. Appeals may be made to the Board of Trustees and thereafter, to the Marin County Board of Education. For further information, contact: Superintendent's Secretary, (415) 945-3720.

MINIMUM DAYS AND PUPIL-FREE STAFF DEVELOPMENT DAYS

The District is required to annually notify parents of its schedule(s) of minimum days and student-free staff development days at the beginning of the year or as early as possible, but no later than one month prior to the scheduled minimum or student-free day. The calendar for the 2020-2021 school year can be found on the District's website www.tamdistrict.org. (Education Code 48980(c).)

NONDISCRIMINATION IN DISTRICT PROGRAMS & ACTIVITIES

Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 prohibit discrimination on the basis of race, color, national origin, or sex in federally financed education programs or activities. The District does not discriminate in admission or access to its programs or activities. Any questions or concerns concerning noncompliance can be directed to your school principal. (34 CFR §§100.3, 100.6, 106.9) The Board of Trustees designates the Senior Director of Student Services, Wesley Cedros, wcedros@tamdistrict.org and Superintendent, Tara Taupier, ttaupier@tamdistrict.org, Tamalpais Union High School District, P.O. Box 605, Larkspur, CA 94977, (415) 945-1011 as the Coordinators for Nondiscrimination in Employment and for Title IX.

Student's Nondiscrimination - Board Policy and Administrative Regulation 5145.3

District programs and activities shall be free from discrimination with respect to actual or perceived sex, gender, age, race, color, religion, national origin, ethnic group, marital or parental status, sexual orientation, and physical or mental disability, or because a person is perceived to have one or more of the above characteristics or because a person associates with a person or group with one or more of these actual or perceived characteristics. The Board of Trustees shall ensure equal opportunities for all students in admission and access to academic courses, guidance and counseling programs, athletic programs, testing procedures, vocational education and other activities. School staff and volunteers must be especially careful to guard against unconscious sex discrimination and stereotyping in instruction, guidance and supervision.

Title IX - Discrimination on the basis of sex in any program or activity of this District is not to be permitted. All District employees are required to comply with all provisions of this policy and the Title IX amendments of 1972.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against qualified handicapped persons in federally financed education programs or activities. The District does not discriminate in admission or access to its programs or activities. Please contact the Senior Director of Student Services, the District 504 Program Coordinator, with any questions: Tamalpais Union High School

OPEN CAMPUS

The Board of Trustees permits the students enrolled at TUHSD high schools to leave the school grounds during the lunch period. The district, Board of Trustees members and district employees shall not be responsible or liable in any way for the conduct and safety of any student who leaves school property during the lunch period. The principal or designee may revoke the open campus privilege to any or all students at any time.

PESTICIDE PRODUCTS

In accordance with the requirements of the Healthy Schools Act of 2000 the District is required to notify parents of all pesticides the District expects to apply during the year. It is the District's current policy to use non-chemical methods for pest control. However, in the event that it becomes necessary for the District to use pesticides, a list of pesticide products expected to be applied will be available upon request. If you wish to receive written notification at least 72 hours prior to the application of an individual pesticide at your school, please contact the Director of Maintenance and Operations at the Tamalpais Union High School District Office at (415) 945-3718. For additional information regarding pesticides and pesticide use, please visit the web site for the State of California's Department of Pesticide Regulation at <http://www.cdpr.ca.gov>. (Education Code 48980.3, 17612)

PHYSICAL EXAMINATION

A parent or guardian having control or charge of any child enrolled in the public schools may file annually with the principal of the school in which the student is enrolled a statement in writing, signed by the parent or guardian, stating that they will not consent to a physical examination of their child. Thereupon, the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, the child shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist. (Education Code 44951)

PROFICIENCY EXAMINATION

The California High School Proficiency Examination (CHSPE) is a testing program established by California law (Education Code Section 48412). If eligible to take the test, you can earn the legal equivalent of a high school diploma by passing the CHSPE. The CHSPE consists of two sections: an English-language Arts section and a Mathematics section. If you pass both sections of the CHSPE, the California State Board of Trustees will award you a Certificate of Proficiency, which by state law is equivalent to a high school diploma (although not equivalent to completing all coursework required for regular graduation from high school). Although federal agencies are not bound by state laws, the U.S. Office of Personnel Management has ruled that the Certificate of Proficiency shall be accepted in applications for federal civilian employment. The U.S. Department of Education and Federal Student Aid recognize the CHSPE as the equivalent of a high school diploma in applications for federal financial aid. All persons and institutions subject to California law that require a high school diploma for any purpose must accept the certificate as satisfying the requirement.

Passing the CHSPE does not, by itself, exempt minors from attending school. Minors who have a Certificate of Proficiency must also have verified parent/guardian permission to stop attending school. Many students who pass the CHSPE continue to attend school. State law provides that, if you leave school after passing the CHSPE and are no more than 18 years old, you may reenroll in the district in which you were registered with no adverse consequences. If you do reenroll, you may be required to meet new or additional requirements established since you were previously enrolled. If you re-enroll and then leave school again, you may be denied re-admittance until the beginning of the following semester. Contact your school counselor or school administrator for further information and details about leaving school after passing the CHSPE.

Dropping out of school after registering for the CHSPE or while awaiting results is unlawful for those under 18 years old. It may also result in failing grades for courses in which you are enrolled.

The principal of each school maintaining grades 11 and 12 shall distribute to each student in those grades an

announcement explaining the California High School Proficiency Examination (CHSPE). When announcements from the California Department of Education (CDE) or its contractor are received, this information shall be distributed early enough to enable interested students to register for the test to be given in the fall of that year. (5 CCR 11523) More information can be found at: <http://www.chspe.net>.

Any student may take the CHSPE if they meet one of the following conditions (Education Code 48412):

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

Any person is eligible to take an approved general educational development test, including the GED, HiSET or the TASC test leading to a high school equivalency certificate if they are a resident of California or a member of the armed forces assigned to duty in California and meets any one of the following criteria (Education Code 51420; 5 CCR 11532):

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

RELEASE OF DIRECTORY INFORMATION / PRIVACY POLICY / OPT-OUT PROCESS

The Board of Trustees recognizes the value of academic research to improve educational programs and practices. Researchers shall respect the privacy rights of students, including their right to refrain from participation in research projects in accordance with law, Board policy and administrative regulation.

The Superintendent or designee may authorize research projects within the district by outside groups or persons when such research is aligned with district goals and objectives and is likely to benefit the district without disrupting the school program.

The Superintendent or designee shall ensure that parents/guardians receive prior notification of any surveys or evaluations that collect personal student information and that consent is obtained in accordance with law.

Personal information for marketing or sale means individually identifiable information, including a student's or parent/guardian's first and last name, home or other physical address (including street name and the name of the city or town), email address, telephone number, birthdate, and social security identification number. (20 USC 1232h)

District staff shall not release personal information for marketing or sale, nor administer or distribute to students any survey instrument that is designed for the purpose of collecting personal information for marketing or sale. District staff may provide a student's or parent/guardian's first and last name, home or other physical address, phone numbers and email address for the following purposes, unless the parent/guardian opts out of some or all categories at the time of annual online registration (20 USC 1232h):

1. College or other postsecondary education recruitment or military recruitment
2. Book clubs, magazines, and programs providing access to low-cost literary products
3. Curriculum and instructional materials used by elementary and secondary schools
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data

- from such tests and assessments
- 5. Communications from Parent Teacher Associations and school booster groups, such as directories, electronic news, events, appeals, etc.
- 6. The sale by students of products or services to raise funds for school-related or education-related activities
- 7. Student recognition programs

A student's parent/guardian shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following (Education Code 51513; 20 USC 1232h):

- 1. Political affiliations or beliefs of the student or their parent/guardian
- 2. Mental or psychological problems of the student or their family
- 3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
- 4. Illegal, anti-social, self-incriminating, or demeaning behavior
- 5. Critical appraisals of other individuals with whom the student has close family relationships
- 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers
- 7. Religious practices, affiliations, or beliefs of the student or their parent/guardian
- 8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

Notwithstanding the above requirements, the district may administer to students in grades 9-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

If a student participates in a survey requesting information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

The parent/guardian of any district student, upon request, shall have the right to inspect (Education Code 51938; 20 USC 1232h):

- 1. A survey or other instrument to be administered or distributed to his/her child
- 2. Any instructional material to be used as part of his/her child's educational curriculum

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

No student shall be subject to penalty for their parent/guardian's exercise of any of the rights stated above.

RELEASE OF DIRECTORY INFORMATION FOR HOMELESS STUDENTS

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

RIGHT TO REFRAIN FROM HARMFUL OR DESTRUCTIVE USE OF ANIMALS

Any student with a moral objection to dissection or otherwise harming or destroying an animal, or any part thereof, must inform their teacher of the objection. Objections must be substantiated by a note from the student's parent or guardian. A student who chooses to refrain from participation in an educational project involving the harmful or destructive use of an animal may receive an alternate educational project, if the teacher believes that an adequate alternative project is possible; the alternative educational project shall not be more arduous than the original educational project. Such a determination of whether a pupil is excused from the project or if the student may pursue an alternative educational project shall not be based on an arbitrary or capricious reason. The teacher may work with the student to develop and agree upon an alternative project so that the student may obtain the knowledge, information, or experience required by the course of study in question. The student shall not be discriminated against based on their decision to exercise

his/her rights under this section. (Education Code 32255 *et seq.*)

SEXUAL HARASSMENT

What exactly is Sexual Harassment?

In accordance with Administrative Regulation 5145.7, prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

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

What can a student do if they feel sexually harassed?

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

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

When a verbal or informal report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Confidentiality

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

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to

him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

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

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

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

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

Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues

8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

Complaint Process and Disciplinary Actions

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

(cf. 1312.3 - Uniform Complaint Procedures)

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

(cf. 5144 - Discipline)

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

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

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

(cf. 4117.7 - Employment Status Report)

(cf. 4118 - Suspension/Disciplinary Action)

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

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

Record-Keeping

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

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships
1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy
106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Safe Schools: Strategies for Boards of Trustees to Ensure Student Success, 2011
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Transgender Students, May 2016
Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
Dear Colleague Letter: Title IX Coordinators, April 2015
Questions and Answers on Title IX and Sexual Violence, April 2014
Dear Colleague Letter: Sexual Violence, April 4, 2011
Sexual Harassment: It's Not Academic, September 2008
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>
Policy TAMALPAIS UNION HIGH SCHOOL DISTRICT
adopted: February 10, 2015 Larkspur, California
revised: November 14, 2017

The District designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Wesley Cedros, Senior Director of Student Services
wcedros@tamdistrict.org
(415) 945-3720

Tara Taupier, Superintendent
ttaupier@tamdistrict.org
(415) 945-1020

Tamalpais Union High School District
P. O. Box 605
Larkspur, CA 94977
(415) 945-1020

(cf. 1312.3 - Uniform Complaint Procedures)

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

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature

5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

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

When a verbal or informal report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Confidentiality

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

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

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

(cf. 5125 - Student Records)

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites (Education Code 231.5)

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)

4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

5. Be included in the student handbook

6. Be provided to employees and employee organizations

Regulation TAMALPAIS UNION HIGH SCHOOL DISTRICT

approved: February 10, 2015 Larkspur, California

revised: November 14, 2017

Complaint Procedures

Informal Resolution

You are not required to do this, but you may directly inform the person engaged in such conduct that such conduct is offensive and must stop. You may ask for help in representation to speak with your alleged harasser.

Formal Complaint - This is confidential information

1. As soon as you feel you have been subjected to sexual harassment or harassment of any kind, you should file a WRITTEN COMPLAINT with your principal regarding the harassment. You may ask your counselor or the school nurse, any teacher or administrator, or any other school site employee to assist you in preparing this written complaint. A District FORMAL COMPLAINT REPORT will be provided.

2. You may obtain a copy of the complaint policy procedure by asking the principal's secretary or Superintendent's secretary.

3. The formal complaint will include the following:

- a. Complainant's name;
- b. Date of complaint;
- c. Date(s) of the alleged harassment;
- d. Name(s) of the alleged harasser(s);
- e. Where the alleged harassment occurred;
- f. A statement of the conduct allegedly constituting harassment;
- g. Informal attempts, if any, to resolve the situation. Attempts at informal resolution are not a prerequisite to filing a formal complaint.
- h. Remedy sought.

4. Review, Investigation, and Report

- a. Principal or designee shall review the complaint.
- b. Principal or designee shall commence a thorough and complete investigation of the complaint.
- c. Principal or designee shall make a written report summarizing the results of the investigation and disposition of the matter. A copy of this report shall be provided to the complainant and to the alleged harasser.
- d. Disposition of a complaint may include, but is not limited to, disciplinary action up to and including expulsion. Any employee who permits or engages in sexual harassment may be subject to disciplinary action.

5. If a complainant or the alleged harasser is dissatisfied with the investigation and/or its disposition, he/she may file a written appeal to the Superintendent of Schools.

6. Retaliation is prohibited. Complainants shall not be retaliated against or otherwise subjected to unlawful discrimination as a result of filing a complaint.

The procedures of this exhibit shall comply with:

BP 4119.11 - Sexual Harassment.

AR 4119.11 - Sexual Harassment.

TAMALPAIS UNION HIGH SCHOOL DISTRICT

Larkspur, California

SPECIAL EDUCATION

Special Education - The Board of Education recognizes the need to actively seek out and evaluate district residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The Superintendent or designee shall establish a comprehensive system that includes procedures for the identification, screening, referral, and regular and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the education and related services provided to such individuals. (Education Code 56301)

The district's identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)

If you have any reason to believe your child needs special education, please contact the Special Education department at (415) 945-1011. You can also request a copy of the Special Education Rights of Parents and Children Under the Individuals with Disabilities Education Act, Part B, and the California Education Code.

STUDENTS IN DANGER OF FAILING A COURSE

Parents will be notified when a teacher has determined that your student is in danger of failing a course.

STUDENT RECORDS

The Custodian of Records for the Tamalpais Union High School District is designated as:

Assistant Superintendent of Educational Services
(415) 945-3728
Tamalpais Union High School District
395 Doherty Drive
Larkspur, CA 94939

1. The types of student records kept by the district and the information contained therein
 - a. Mandatory Permanent Student Records – These are kept indefinitely. (Copies are sent to the school district or private school. Original record or copy shall be maintained permanently by the district.) Information includes:
 - i. Legal name of student
 - ii. Date and place of birth and method of verifying birth date.
 - iii. Sex of student
 - iv. Name and address of parent/guardian of minor student
 - v. The above items on indicated on the initial registration form, with the exception of the verification of birthdate.
 - 1) Address of minor if different from the above
 - 2) Annual verification of parent/guardian's name and address and student's residence (Annual Data Update through eSchool)
 - vi. Entrance and departure date of each school year and for any summer session or other extra session. (Maintained in eSchool)
 - vii. Subjects taken during each year, half-year, summer session, or quarter and marks or credits given. (Maintained in eSchool)
 - viii. Verification or exemption from required immunizations (Blue Health Card-required to be maintained in student's cum file.)
 - ix. Date of high school graduation or equivalent (Transcript – In eSchool)
 - b. Mandatory Interim Student Records – These shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the district.
 - i. Expulsion orders and the causes thereof
 - ii. Log identifying persons or agencies who request or receive information from the student record.

- iii. Health information, including verification or waiver of the health screening for school entry (Blue Card)
 - iv. Information on participation in special education programs, including tests, case studies, authorizations and evidence of eligibility for admission or discharge.
 - v. Language training records.
 - vi. Progress slips/notices
 - vii. Parental restrictions/stipulations regarding access to directory information
 - viii. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
 - ix. Parent/guardian or denial of student participation in specific programs.
 - x. Results of standardized tests administered within the past 3 years
 - xi. Written findings resulting from an evaluation concluded to determine whether it is in a student's best interest to remain in independent study.
 - c. Permitted Student Records – These may be destroyed 6 months after the student completes or withdraws from the educational program.
 - i. Objective counselor/teacher ratings
 - ii. Standardized test results older than 3 years
 - iii. Route disciplinary data
 - iv. Verified reports of relevant behavioral patterns
 - v. All disciplinary notices
 - vi. Supplementary attendance records
 - d. Additional Information: Upon receiving a request from an admitting school for a student's records, the district shall forward any expulsion order and the causes of the expulsion.
2. The title(s) of the official(s) responsible for maintaining each type of record are:
 - a. School officials and employees whose duties and responsibilities require that they have access to student records, whether routine or as a result of special circumstances.
3. The location of the log identifying those who request information from the records shall be:
 - a. In front of the student's cum file.
4. District criteria for defining school officials and employees and for determining legitimate educational interest
 - a. School officials and employees whose duties and responsibilities require that they have access to student records, whether routine or as a result of special circumstances.
5. District policies for reviewing and expunging student records
 - a. Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process. Files are culled by district staff based upon the above retention criteria.
6. The right to inspect and review student records and the procedures for doing so
 - a. Persons Requiring Prior Written Consent
 - i. Persons, agencies or organization not afforded access rights by law. Requires written permission of the parent/guardian (having legal custody) or adult student or by judicial order.
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
 - a. For more information, please see AR 5125.3 – Challenging Student Records.
8. The cost, if any, charged for duplicating copies of records.
 - a. The district shall charge a reasonable fee not to exceed the cost of furnishing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records. No charge shall be made to locate or retrieve any student record.
9. The categories of information defined as directory information pursuant to Education Code 49073
 - a. Name
 - b. Address
 - c. Telephone Number

- d. Electronic Mail Address
 - e. Participation in officially recognized activities and sports
 - f. Weight and height of athletic team members
 - g. Dates of attendance
 - h. Degrees and awards received
 - i. Most recent previous school attended
 - j. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law.
 - k. Persons, agencies, or organizations may be granted access through written permission of the parent of the parent/guardian or adult student or by judicial order.
 - l. Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent may grant consent if both parents notify the district, in writing, that such an agreement has been made.
10. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school
- a. Please contact the Educational Services department at 650-329-3709 to obtain this information or the principal of the school.
11. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g
- a. Please see the Family Educational Rights and Privacy Act Regulations (FERPA) Guidelines.
12. A statement that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll within ten school days.
- a. A copy of the student's Mandatory Permanent Record is forwarded to the requested agency or institution. The original or a copy shall be retained permanently by the district.
 - b. If the transfer is to another California public school, the student's entire Mandatory Interim Record is forwarded.
 - c. If the transfer is out-of-state or to a private school, the Mandatory Interim Record may be forwarded.

The Board of Trustees recognizes that suicide is a leading cause of death among youth and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. To attempt to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop measures and strategies for suicide prevention, intervention, and postvention.

In developing measures and strategies for use by the district, the Superintendent or designee may consult with school health professionals, school counselors, school psychologists, school social workers, administrators, other staff, parents/guardians, students, local health agencies, mental health professionals, and community organizations.

(cf. 1020 - Youth Services)

(cf. 1220 - Citizen Advisory Committees)

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

Such measures and strategies shall include, but are not limited to:

1. Staff development on suicide awareness and prevention for teachers, school counselors, and other district employees who interact with students in the secondary grades

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

2. Instruction to students in problem-solving and coping skills to promote students' mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others

(cf. 6142.8 - Comprehensive Health Education)

3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

4. The provision of information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the youth suicide problem, the district's suicide prevention curriculum, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis BP 5141.52(b)
5. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
6. Crisis intervention procedures for addressing suicide threats or attempts
7. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning youth. (Education Code 215)

Legal Reference:

EDUCATION CODE

215 Student suicide prevention policies
32280-32289 Comprehensive safety plan
49060-49079 Student records
49602 Confidentiality of student information
49604 Suicide prevention training for school counselors

GOVERNMENT CODE

810-996.6 Government Claims Act

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

5850-5883 Mental Health Services Act

COURT DECISIONS

Corales v. Bennett (Ontario-Montclair School District), (2009) 567 F.3d 554

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

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009

NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS PUBLICATIONS

Preventing Suicide, Guidelines for Administrators and Crisis Teams, 2015

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

Preventing Suicide: A Toolkit for High Schools, 2012

National Strategy for Suicide Prevention: Goals and Objectives for Action, rev. 2012

WEB SITES

American Association of Suicidology: <http://www.suicidology.org>

American Foundation for Suicide Prevention: <https://afsp.org>

American Psychological Association: <http://www.apa.org>

American School Counselor Association: <https://www.schoolcounselor.org> California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh> California Department of Health Care Services, Suicide Prevention Program:

<http://www.dhcs.ca.gov/services/MH/Pages/SuicidePrevention.aspx>

Centers for Disease Control and Prevention, Mental Health: <http://www.cdc.gov/mentalhealth>

National Association of School Psychologists: <https://www.nasponline.org>

National Institute for Mental Health: <http://www.nimh.nih.gov>

Trevor Project: <http://thetrevorproject.org>

U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration: <http://www.samhsa.gov>

TEACHER AND PARAPROFESSIONAL QUALIFICATIONS

A parent/guardian may request information regarding whether their child is provided services by paraprofessionals and, if so, their qualifications. Parents may also request information regarding the professional qualifications of their child's teachers. Please contact the site principal and/or the District's Human Resources department to make a request.

TITLE IX COMPLIANCE

Title IX of the Civil Rights Act provides that "no person...shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal assistance." [20 U.S.C. §1681(a)]

The Board of Trustees designates the following persons as Coordinator for Nondiscrimination in Employment and for Title IX:

Wesley Cedros
Senior Director of Student Services
wcedros@tamdistrict.org
(415) 945-3720

Tara Taupier
Superintendent
ttaupier@tamdistrict.org
(415) 945-1020

Tamalpais Union High School District
P. O. Box 605
Larkspur, CA 94977
(415) 945-1020

Full text of District procedures can be found in the District Office.

Discrimination - The Tamalpais Union High School District, in strict accordance with state and federal laws, does not discriminate against any person on the basis of gender, race, color, religion, ancestry, national origin, ethnic group, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characterizations.

Title IX - Discrimination on the basis of gender in any program or activity of this District is not to be permitted. All District employees are required to comply with all provisions of this policy and the Title IX Amendments of 1972.

TOBACCO-FREE SCHOOLS

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 and comfortable environment for students, staff and community members.

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles.

This prohibition applies 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.

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes.

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. (Health and Safety Code 104495)

Recognizing that education plays a central role in establishing patterns of behavior related to health, the Board shall continue to provide programs that alert students to the health hazards of tobacco use.

It is the responsibility of all staff and community members to implement this policy in school buildings and school owned vehicles, on school grounds, and at school-sponsored events off campus. A student may be suspended or recommended for expulsion from the school in which the student is enrolled if the student has violated California Education Code, Section 48900, as follows: Possessed or used tobacco or products containing tobacco or nicotine. Consequences may range from a warning to suspension or expulsion.

UNLAWFUL DISCRIMINATION NOTICE

The district will not tolerate discrimination, including discriminatory harassment, intimidation, bullying or any other behavior that infringes on the safety or well-being of students, staff, or any other persons within the district's programs and activities whether directed at an individual or group. This includes but is not limited to discriminatory harassment, intimidation, and/or bullying based on actual or perceived characteristics of race or ethnicity, color, nationality, national origin, ethnic group identification, age, religion, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics. (Education Code 234.1)

Reporting and Intervention

Any student who believes they have been subjected to unlawful discrimination, including discriminatory harassment, intimidation or bullying or any other individual who believes that a student has suffered unlawful discrimination is encouraged to notify school staff immediately. In addition, an anonymous reporting link is on the district website as a means of affording individuals a way to report any incidents of bullying confidentially. (<http://TUHSD.org/parents/BullyingPrevention/index.shtml>)

School staff who witness unlawful discrimination are required to immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1) Staff is also required to report the incident to the Principal or designee.

The Principal or designee must notify the parents/guardians of the individuals involved in the incident. He/she also may involve school counselors, mental health counselors, and/or law enforcement where appropriate.

Complaints and Investigation

The district is committed to conducting a prompt investigation of all complaints of unlawful discrimination. Any student, parent/guardian, third party or other individual or organization who believes that he/she or another student or group has been subjected to unlawful discrimination, or who has witnessed such conduct, may report the conduct orally to any school employee or administrator, and/or file a formal written complaint with District Compliance Officer pursuant to AR1312.3 - Uniform Complaint Procedure ("UCP").

Complaints under the UCP will be resolved within 60 days of receipt of the complaint.

The following position is the designated Compliance Officer to handle UCP complaints regarding unlawful discrimination and to answer inquiries regarding the district's nondiscrimination policies:

Lars Christensen
Assistant Superintendent, Human Resources
lchristensen@tamdistrict.org
(415) 945-1028
395 Doherty Drive
Larkspur, CA 94939

Discipline

Students who engage in discrimination, including discriminatory harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline in accordance with applicable law and as provided in Board Policy (BP) and Administrative Regulation (AR), up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

Other possible responses include, but are not limited to, those listed in AR 1312.3 Section F– Remedial Action, such as counseling and academic support for the subject of the complaint, separating the subject of the complaint and the individual who engaged in the discrimination, and follow-up inquiries to ensure that the discriminatory conduct has stopped. Steps may also include training or other interventions for the larger school community.

Though an incident of alleged discriminatory harassment, intimidation, and/or bullying may occur outside a district program or activity, if the effects of the incident result in discriminatory harassment, intimidation, or bullying in a district program or activity that is sufficiently serious to interfere with or limit the targeted student's ability to participate in or benefit from the program or activity, the school must respond promptly and effectively to eliminate the harassment that is occurring in the district program or activity, prevent its recurrence, and address its effects. Such response may include discipline of the alleged harasser and interventions for the targeted student, as described above.

Prohibition Against Retaliation

Retaliation against a student, parent/guardian or other individual because they have filed a complaint or assisted or participated in an unlawful discrimination proceeding, or who has otherwise acted to assert the rights of students to be free from unlawful discrimination is also prohibited. Any student or employee found to have retaliated against another in violation of this policy will be subject to discipline as described above.

Students who knowingly file false discrimination complaints or give false statements in an investigation will be subject to consequences including discipline measures up to and including suspension and expulsion.

UNIFORM COMPLAINT PROCEDURES

Community Relations

BP 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

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

Complaints Subject to UCP

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

1. Any complaint alleging district violation of applicable state or federal laws or regulations governing any program subject to the UCP which is offered by the district, including adult education programs; After School Education and Safety programs; agricultural career technical education; American Indian education centers and early childhood education program assessments; bilingual education; California Peer Assistance and Review programs for teachers; state career technical and technical education, career technical, and technical training programs; federal career technical education; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; Economic Impact Aid; the

federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; special education programs; California State Preschool Programs; Tobacco-Use Prevention Education programs; and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5131.62 - Tobacco)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6200 - Adult Education)

2. Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

(cf. 5146 - Married/Pregnant/Parenting Students)

4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)

5. Any complaint alleging bullying in district programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics.

(cf. 5131.2 - Bullying)

6. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions Against the District)

7. Any complaint alleging district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

8. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)

(cf. 0420 - School Plans/Site Councils)

9. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code 51225.2, alleging district noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

10. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1)

(cf. 6173 - Education for Homeless Children)

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

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

11. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.2)

12. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

(cf. 6152 - Class Assignment)

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

14. Any other complaint as specified in a district policy

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

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

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

(cf. 5125 - Student Records)

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

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

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

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
5. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, teacher vacancies and mis-assignments, or health and safety violations in any license-exempt California State Preschool Program shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
 8200-8498 Child care and development programs
 8500-8538 Adult basic education
 18100-18203 School libraries
 32280-32289 School safety plan, uniform complaint procedures
 33380-33384 California Indian Education Centers
 35186 Williams uniform complaint procedures
 44500-44508 California Peer Assistance and Review Program for Teachers
 46015 Parental leave for students
 48853-48853.5 Foster youth
 48985 Notices in language other than English
 49010-49014 Student fees
 49060-49079 Student records, especially:
 49069.5 Records of foster youth
 49490-49590 Child nutrition programs
 49701 Interstate Compact on Educational Opportunity for Military Children
 51210 Courses of study grades 1-6
 51223 Physical education, elementary schools
 51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements
 51226-51226.1 Career technical education
 51228.1-51228.3 Course periods without educational content
 52060-52077 Local control and accountability plan, especially:
 52075 Complaint for lack of compliance with local control and accountability plan requirements
 52160-52178 Bilingual education programs
 52300-52462 Career technical education
 52500-52616.24 Adult schools
 54000-54029 Economic Impact Aid
 54400-54425 Compensatory education programs
 54440-54445 Migrant education
 54460-54529 Compensatory education programs
 56000-56865 Special education programs
 59000-59300 Special schools and centers
 64000-64001 Consolidated application process; school plan for student achievement
 65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act
HEALTH AND SAFETY CODE
1596.792 California Child Day Care Act; general provisions and definitions
1596.7925 California Child Day Care Act; health and safety regulations
104420 Tobacco-Use Prevention Education
PENAL CODE
422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 2
11023 Harassment and discrimination prevention and correction
CODE OF REGULATIONS, TITLE 5
3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6576 Title I Improving the Academic Achievement of the Disadvantaged
6801-7014 Title III language instruction for limited English proficient and immigrant students
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975
12101-12213 Title II equal opportunity for individuals with disabilities
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy Act
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
110.25 Notification of nondiscrimination on the basis of age
Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Sample UCP Board Policies and Procedures
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter, September 22, 2017
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
Dear Colleague Letter: Harassment and Bullying, October 2010
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or
Third Parties, January 2001
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National
Origin Discrimination Affecting Limited English Proficient Persons, 2002
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
Family Policy Compliance Office: <https://www2.ed.gov/policy/gen/guid/fpco>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr> U.S.
Department of Justice: <http://www.justice.gov>
Policy TAMALPAIS UNION HIGH SCHOOL DISTRICT
adopted: November 10, 1992 Larkspur, California
revised: September 12, 2002

revised: December 10, 2002
revised: January 13, 2004
revised: March 6, 2007
revised: February 10, 2015
revised: April 30, 2019

Uniform Complaint Procedures

Compliance Officers

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

- (cf. 1312.1 - Complaints Concerning District Employees)*
- (cf. 1312.2 - Complaints Concerning Instructional Materials)*
- (cf. 1312.4 - Williams Uniform Complaint Procedures)*
- (cf. 4031 - Complaints Concerning Discrimination in Employment)*

Compliance Officers

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

- (cf. 5145.3 - Nondiscrimination/Harassment)*
- (cf. 5145.7 - Sexual Harassment)*

Superintendent/Designee
Tamalpais Union High School District
P. O. Box 605
Larkspur, CA 94977
(415) 945-1020

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

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

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs which they are assigned to investigate. Training provided to such designated employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those involving alleged discrimination, applicable standards for reaching decisions on complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

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

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined

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

Notifications

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

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 5145.6 - Parental Notifications)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy

2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3260 - Fees and Charges)

3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities

4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred

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

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

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

(cf. 6175 - Migrant Education Program)

6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints

7. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant

8. A statement that the complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision

9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable

10. A statement that copies of the district's UCP are available free of charge

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

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

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

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

Filing of Complaint

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

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

All complaints shall be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. (Education Code 49013, 52075) A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

3. A complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may be filed only by persons who allege that they have personally suffered unlawful discrimination or who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date that the alleged discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant or alleged victim of unlawful discrimination or bullying requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

Mediation

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

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

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

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

Investigation of Complaint

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

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

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or

information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To resolve a complaint alleging retaliation, unlawful discrimination, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

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

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

Timeline for Final Decision

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.

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

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

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

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

Final Written Decision

For all complaints, the district's final written decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

- a. Statements made by any witnesses
- b. The relative credibility of the individuals involved

- c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
 3. Disposition of the complaint
 4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The relationship between the alleged victim(s) and offender(s)
 - d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the notice may, as required by law, include:

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
 - b. Individual remedies offered or provided to the subject of the complaint
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

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

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in

implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

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

For complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, and bullying, based on state law, the decision shall also include a notice to the complainant that:

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

Corrective Actions

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

(cf. 5137 - Positive School Climate)

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

1. Counseling

(cf. 6164.2 - Guidance/Counseling Services)

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

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

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

(cf. 6164.5 - Student Success Teams)

6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law

(cf. 6145 - Extracurricular and Cocurricular Activities)

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

(cf. 5144 - Discipline)

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

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

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

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

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

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 49013, 52075)

For complaints alleging noncompliance with the laws regarding student fees, such remedies, where applicable, shall include reasonable efforts to ensure full reimbursement to affected students and parents/guardians. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013, 52075; 5 CCR 4632)

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

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

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

Regulation TAMALPAIS UNION HIGH SCHOOL DISTRICT
approved: November 10, 1992 Larkspur, California
revised: December 10, 2002
revised: March 6, 2007
revised: August 26, 2008
revised: September 12, 2012
revised: February 10, 2015
revised: April 30, 2019

E 1312.3 (a)

Title 5, Section 4650 Basis of Direct State Intervention

(a) The Superintendent shall directly intervene without waiting for local agency action if one or more of the following conditions exists:

- (i) The complaint includes an allegation, and the Department verifies, that a local educational agency failed to comply with the complaint procedures required by this Chapter;
- (ii) Discrimination is alleged by the complainant and the facts alleged indicate that the complainant will suffer an immediate loss of some benefit such as employment or education if the Department does not intervene. However, nothing in this section gives the Department jurisdiction over employment discrimination claims.
- (iii) The complaint relates to agencies other than local educational agencies funded through the Child Development and Child Nutrition Programs;
- (iv) The complainant requests anonymity and presents clear and convincing evidence and the Department verifies that they would be in danger of retaliation if a complaint were filed locally, or has been retaliated against because of past or present complaints;
- (v) The complainant alleges that the local educational agency failed or refused to implement the final decision resulting from its local investigation or local Mediation Agreement;
- (vi) The local agency refuses to respond to the Superintendent's request for information regarding a complaint;
- (vii) The complainant alleges and the Department verifies, or the Department has information that no action has been taken by the local educational agency within 60 calendar days of the date the complaint was filed locally.

(viii) For complaints relating to special education the following shall also be conditions for direct state intervention:

- (A) The complainant alleges that a public agency, other than a local educational agency, as specified in Government Code Section 7570 et seq., fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to handicapped individuals;
- (B) The complainant alleges that the local educational agency or public agency fails or refuses to comply with the due process procedures established pursuant to federal and state law and regulation; or has failed or refused to implement a due process hearing order;
- (C) The complainant alleges facts that indicate that the student or group of students may be in immediate physical danger or that the health, safety or welfare of a student or group of students is threatened.
- (D) The complainant alleges that a handicapped pupil is not receiving the special education or related services specified in their Individualized Educational Program (IEP).
- (E) The complaint involves a violation of federal law governing special education, 20 U.S.C. Section 1400 et seq., or its implementing regulations.

(b) The complaint shall identify upon which basis, as described in paragraph (a) of this section, that direct filing to the state is being made.

NOTE: Authority cited: Section 232 and 33031, Education Code; Section 11138, Government Code.

Reference: Sections 11135, 11136 and 11138, Government Code; 34 CFR 76.780-76.783 and 106.8.

CONFIDENTIAL



TAMALPAIS UNION HIGH SCHOOL DISTRICT

INCIDENT / COMPLAINT REPORT FORM

To: Principal or Immediate Supervisor _____

Date: _____

COMPLAINT LODGED BY: Student Employee Other

Name: _____ School Site / Work Location: _____

Street Address: _____ Telephone (School/Work): _____

City: _____ Telephone (Home): _____

Zip Code: _____

-
1. Type of Incident / Complaint: *(attach additional paper if necessary)*

 2. Date / Time / Place of Incident(s) / Complaint:

 3. Name(s) of Person(s) Involved:

 4. Name(s) of Witness(es):

 5. Describe prior attempt to resolve complaint with the person, if any: *(attach additional paper if necessary)*

 6. Desired resolution to incident / complaint: *(attach additional paper if necessary)*

Complainant's Signature: _____ Date: _____

Copy of Board Policy and Regulations provided.

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Types of Complaints

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186; 5 CCR 4681, 4682)

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:

- a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that:

- a. A semester begins and a teacher vacancy exists.
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

Beginning of the year or semester means the first day classes necessary to serve all the pupils enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day pupils attend classes for that semester. (5 CCR 4600)

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

3. Complaints regarding the condition of school facilities, including any complaint alleging that:

- a. A condition poses an emergency or urgent threat to the health or safety of pupils or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including but not limited to gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; or structural damage creating a hazardous or uninhabitable condition; or any other condition deemed inappropriate. (Education Code 17592.72)

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Cleaned or maintained school restroom means a school has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. (Education Code 35292.5)

Open restroom means the school has kept all restrooms open during school hours when pupils are not in classes and has kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

(cf. 3514 - Environmental Safety)

(cf. 3517 - Facilities Inspection)

Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. (Education Code 35186; 5 CCR 4680)

Investigation and Response

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complaint is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Board of Trustees at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction (SPI) within 15 days of receiving the district's response.

The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

(cf. 1340 - Access to District Records)

Reports

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

Forms and Notices

The Superintendent or designee shall ensure a Williams Complaint Form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186)

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

Legal Reference:

EDUCATION CODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying
1240 County superintendent of schools, duties
17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account
33126 School accountability report card
35186 Williams uniform complaint procedure
35292.5 Restrooms, maintenance and cleanliness
48985 Notice to parents in language other than English
60119 Hearing on sufficiency of instructional materials
CODE OF REGULATIONS, TITLE 5
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
Management Resources:

WEB SITES

CSBA: <http://www.csba.org>
California County Superintendents Educational Services Association: <http://www.ccesa.org>
California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc>
State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Regulation TAMALPAIS UNION HIGH SCHOOL DISTRICT

approved: January 11, 2005 Larkspur, California

revised: March 6, 2007

revised: August 21, 2007

revised: July 8, 2008

revised: January 23, 2018

TAMALPAIS UNION HIGH SCHOOL DISTRICT

WILLIAMS UNIFORM COMPLAINT PROCEDURES

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

Parents/Guardians, Pupils, and Teachers:

Pursuant to Education Code 35186 you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including certification required to teach English learners, if present.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

4. A complaint form can be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following website: <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education. Exhibit TAMALPAIS UNION HIGH SCHOOL DISTRICT

version: January 11, 2005 Larkspur, California
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WILLIAMS UNIFORM COMPLAINT PROCEDURES

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES

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

Response requested? Yes No

Contact Information:

Name: _____

Address: _____

Phone Number: Day: _____ Evening: _____

E-Mail address, if any: _____

Location of the problem that is the subject of this complaint: _____

School name/address: _____

Course title/grade level and teacher name: _____

Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply: A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 351896; 5 CCR 4681)

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

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

Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)

A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year

or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

_____ A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

_____ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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

_____ A condition exists that poses an emergency or urgent threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the district.

_____ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.

_____ The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when temporary closing of the restroom is necessary for student safety or to make repairs.

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

Please file this complaint at the following location:

Principal's Office
TUHSD School Site, OR
Superintendent's Office
District Office Building
395 Doherty Drive
Larkspur, CA 94939

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

(signature) (date)

Exhibit TAMALPAIS UNION HIGH SCHOOL DISTRICT

version: January 11, 2005 Larkspur, California
revised: March 6, 2007
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